

NOMINATION OF KIRSTJEN M. NIELSEN

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

—
NOMINATION OF KIRSTJEN M. NIELSEN TO BE SECRETARY, U.S.
DEPARTMENT OF HOMELAND SECURITY
—

NOVEMBER 8, 2017

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Committee on Homeland Security and Governmental Affairs



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NOMINATION OF KIRSTJEN M. NIELSEN

WEDNESDAY, NOVEMBER 8, 2017

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:08 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, Portman, Lankford, Hoeven, Daines, McCaskill, Carper, Tester, Heitkamp, Peters, Hassan, and Harris.

OPENING STATEMENT OF CHAIRMAN JOHNSON¹

Chairman JOHNSON. This hearing will come to order.

Good morning. We are meeting today to consider the nomination of Kirstjen M. Nielsen to be the next Secretary of the United States Department of Homeland Security (DHS). I want to welcome Ms. Nielsen, her family, and our two distinguished Senators who will be making introductions a little bit later on. I certainly want to call out Mrs. Karen Kelly, General Kelly's wife. She is here also showing her support for the nominee. I know Ms. Nielsen will introduce her family in her opening statement.

America is facing enormous challenges. Our national debt exceeds \$20 trillion, and there is no serious effort being made—by either party—to significantly reduce the 30-year projected deficits that are currently expected to exceed \$100 trillion.

Our enemies are on the rise. Russia continues to destabilize its neighbors and has partnered with Iran to increase both countries' influence in the Middle East. The Iranian Nuclear Agreement did modify Iran's behavior—for the worse. North Korea remains determined to develop the capability to target the United States with nuclear weapons. And the threat of Islamist terrorism has evolved, metastasized, and spread all over the world—including to our homeland.

The challenges facing the next Secretary of the Department of Homeland Security are equally daunting.

We have just experienced unprecedented destruction caused by three hurricanes and multiple wildfires. DHS and the Federal Emergency Management Agency (FEMA), together with their budgets, are already stretched thin responding to these disasters.

¹The prepared statement of Senator Johnson appears in the Appendix on page 49.

As the use of the Internet spreads and increases, so do the threats posed by social media-inspired acts of terrorism, hacking, and cyber attacks.

This Committee has held more than 20 hearings laying out the sad reality that our borders are far from secure. As a result, illegal immigration persists, illicit drugs flow virtually unabated, and we are more vulnerable than we should be to external forces.

Unfortunately, enemies from within may currently pose our greatest danger. Five years ago, on August 5, 2012, evil struck in Oak Creek, Wisconsin, when six worshipers were senselessly slaughtered at a Sikh temple. Since then, the list of mass killings has persistently and depressingly grown. I am going to read a list.

December 14, 2012: 26 killed, 2 wounded at an elementary school in Sandy Hook, Connecticut.

April 15, 2013: 3 killed, 264 wounded in a bombing at the Boston Marathon.

September 16, 2013: 12 killed, 8 wounded at the Navy Yard here in Washington, DC.

April 2, 2014: 3 killed, 12 wounded at Fort Hood, Texas, 5 years after an even deadlier shooting that took 13 lives and injured 30 others.

April 13, 2014: three killed at a Jewish community center in Overland Park, Kansas.

May 23, 2014: 6 killed, 14 wounded near the campus of the University of California, Santa Barbara.

May 17, 2015: 9 killed, 18 wounded in a motorcycle gang fight at a restaurant in Waco, Texas.

June 17, 2015: nine killed, one wounded at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.

July 16, 2015: five killed, two wounded at a military recruiting center and a Naval Reserve center in Chattanooga, Tennessee.

October 1, 2015: nine killed, nine wounded at the Umpqua Community College in Roseburg, Oregon.

November 27, 2015: three killed, nine wounded outside a clinic in Colorado Springs, Colorado.

December 2, 2015: 14 killed, 24 wounded at a Christmas party in San Bernardino, California.

June 12, 2016: 49 killed, at least 68 wounded at the Pulse nightclub in Orlando, Florida.

July 7, 2016: 5 police officers killed, 11 wounded near a parking garage in Dallas, Texas.

July 17, 2016: three police officers killed and three more officers wounded at a shopping plaza in Baton Rouge, Louisiana.

January 6, 2017: five killed, six wounded at the airport in Fort Lauderdale, Florida.

October 1, 2017: 58 killed, 546 wounded at a music concert in Las Vegas, Nevada.

October 31, 2017: 8 killed, 12 wounded along a bicycle path in New York City.

November 5, 2017, just last Sunday: 26 killed and at least 20 wounded in the First Baptist Church in Sutherland Springs, Texas.

During that list, I just called out the deaths of 262 Americans, more than 1,000 wounded. I would like to just take a moment of silence to reflect and remember those victims and their families.

[Moment of silence.]

Later Sunday evening, my 34-year-old daughter asked me the questions we are all asking ourselves: “What is happening? Why is this happening? What can we do about it?”

Those are the questions the next Department of Homeland Security Secretary will be asked to address. It will not be an easy task. The Department of Homeland Security employs approximately 240,000 people and manages a budget of \$66 billion. It is a Department created by fusing 22 separate agencies with diverse missions. The result has been a Department that has struggled to unify its efforts and manage a workforce with habitually low morale relative to other Federal agencies.

Fortunately, when Ms. Nielsen served under Secretary Kelly, she witnessed firsthand how quickly and dramatically morale can be improved within DHS by providing its workforce the authority and support they need to perform the tasks they were hired to do.

In my conversation with General Kelly, he called Ms. Nielsen a “superstar.” He has sent this Committee a letter of endorsement.¹ We have also received a letter of endorsement from former DHS Secretaries Tom Ridge and Michael Chertoff,² as well as a letter from 40 former White House and homeland security Federal officials. I ask consent that these letters be entered in the record.³

Ms. Nielsen, I thank you for your past service and your willingness to serve again, and I look forward to your testimony.

With that, I will turn it over to our Ranking Member, Senator McCaskill.

OPENING STATEMENT OF SENATOR McCASKILL⁴

Senator McCASKILL. Thank you, Mr. Chairman. I appreciate you holding this hearing, and I thank the nominee for her willingness to serve.

Today we convene to perform one of our most important constitutional functions: to provide advice and consent for the President’s nominee for senior positions in our government. On October 16, 2017, President Trump nominated Ms. Nielsen to lead the Department of Homeland Security. Recent events have only reinforced the need for the Department to have strong, permanent leadership. American citizens in Texas, Florida, Puerto Rico, the Virgin Islands, and other regions have had their lives and livelihoods upended by hurricanes. Out west, raging wildfires have forced thousands of families from their homes. Record-breaking floods have ravaged communities across my home State of Missouri. And last week, New York City suffered its most deadly terrorist attack since September 11, 2001 (9/11).

In times of crisis, the American people come together, and they crave leadership that brings us together. DHS plays a critical role in ensuring that the Federal Government provides that leadership and supports that effort.

If confirmed as Secretary, Ms. Nielsen will lead the third largest department in the Federal Government, oversee a workforce that

¹ The letter of General Kelly appear in the Appendix on page 324.

² The letter of Tom Ridge and Michael Chertoff appear in the Appendix on page 331.

³ The letter of former Federal officials appear in the Appendix on page 311.

⁴ The prepared statement of Senator McCaskill appears in the Appendix on page 51.

includes more than 240,000 employees and contractors, and coordinate 22 separate components, including Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), Transportation Security Administration (TSA), U.S. Citizenship and Immigration Services, the Federal Emergency Management Agency, the U.S. Coast Guard, and the Secret Service.

While I was already aware of Ms. Nielsen's intellect and work ethic as well as her expertise in cybersecurity and preparedness, I appreciated the chance to discuss the other qualities she would bring to DHS in our meeting yesterday. My hope is that today's hearing will explore some of the challenges currently facing DHS and that will confront her if she is confirmed.

For example, I look forward to learning how Ms. Nielsen plans to improve the counterterrorism capabilities despite the dramatic cuts included in the President's budget.

I want to know what steps Ms. Nielsen will take to stop the illegal flow of drugs and contraband through our ports of entry (POEs) in spite of the failure of the budget to address the need for more Border Patrol officers that serve at our ports of entry.

I would like to hear how Ms. Nielsen has and will apply lessons learned from Hurricane Katrina and recent disasters to improve the oversight of DHS contracting practices in crisis situations.

I also hope that Ms. Nielsen will share her priorities for counteracting violent extremism and for protecting our cyber and election infrastructure from foreign actors.

Perhaps most importantly, I want to learn about the management experience and philosophy that Ms. Nielsen plans to bring to DHS. It is, in fact, judgment, management experience, and philosophy that she will have the most important duties because, of course, she will try to surround herself with department heads and other high-ranking officials that will do the day-to-day operation of the Department.

No one that has served as DHS Secretary has had perfect knowledge of the breadth and depth of issues facing the Department. I certainly think Ms. Nielsen is very knowledgeable and has great breadth and depth of the policies and issues facing the Department. But the Secretary must also have the leadership, management, and communication skills to lead a complex and sprawling enterprise on day one. I hope Ms. Nielsen will discuss her strategies for promoting collaboration and efficiency among the various components within the agency and other Federal partners.

I also want to know how Ms. Nielsen will build employee morale and ensure that whistleblowers can come forward to management, Congress, and the Inspector General (IG) to report waste, fraud, and abuse without fear of retaliation.

Finally, and maybe most importantly, I hope to receive the public commitment from Ms. Nielsen that DHS will comply with oversight requests from all Members of this Committee, including several of mine that remain outstanding.

Ms. Nielsen's predecessor, General John Kelly, was willing to speak frankly, even when his message was one that would not be particularly well received. It was the thing I found most qualifying of General Kelly for the position that he held and the position he currently holds. Under his leadership, DHS was willing to answer

requests for information from both the majority and the minority and, while not perfect, was far more responsive than many other departments. We have a constitutional duty to perform oversight of the Department, and I would like to continue the cooperation that General Kelly showed to the majority and minority Members of this Committee.

The Department of Homeland Security is comprised of thousands of talented and dedicated Americans who work every day to keep us safe. They develop and implement counterterrorism and cybersecurity policy. They defend our border and ports of entry. They administer our immigration laws, protect our national leaders and critical infrastructure, and execute disaster preparedness and response. We must continue to ensure that these public servants have the support necessary to succeed in their mission, and I look forward to working with Ms. Nielsen in that effort should she be confirmed as our Nation's sixth Secretary of Homeland Security.

Thank you, Mr. Chairman.

Chairman JOHNSON. Thank you, Senator McCaskill.

Now we have two of our distinguished colleagues who will offer some words of introduction and support for Ms. Nielsen. Senator Portman.

Senator PORTMAN. Mr. Chairman, I am going to yield, if it is OK, to Senator Rubio, who has to go run and enhance the child tax credit because I need to stay here for the hearing in any case.

Chairman JOHNSON. We will start with Senator Rubio then. Senator Portman.

TESTIMONY OF THE HONORABLE MARCO RUBIO, A UNITED STATES SENATOR FROM THE STATE OF FLORIDA

Senator RUBIO. Thank you, Senator Portman. To Mr. Chairman, the Ranking Member and the Members of the Committee, I am honored to be here today to introduce a fellow Floridian, Kirstjen Nielsen, as the President's nominee to be the Secretary of Homeland Security.

Ms. Nielsen grew up in Clearwater, which is in Pinellas County, Florida, and among her many professional experiences, began here in the U.S. Senate where she served on the staff of former Florida Senator Connie Mack. On that staff, she worked on defense, aviation, and foreign affairs issues, which are matters that are not only important to our home State of Florida but also critical matters for the national security of our country.

She has a long and distinguished career in homeland security matters that spans more than two decades, earning a nationally respected reputation. She is an internationally recognized expert in resiliency and risk management, critical infrastructure, cybersecurity, and emergency management.

We have before us a nominee to serve in this critical position who understands the extraordinary and wide range of homeland security-related challenges and the ever evolving threats we as Americans face, including hurricane preparedness and response, combating illicit international drug trafficking, and ensuring safe and efficient air travel.

Ms. Nielsen recently served as the Department of Homeland Security's Chief of Staff under then-Secretary Kelly, and during that

time I had the opportunity to get to know her better while working with Secretary Kelly on a number of homeland security issues. I would like to read a short excerpt from a letter in support of Ms. Nielsen's nomination from General Kelly, who could not be here with us to help introduce her because he is currently traveling with the President in Asia. He wrote in part the following to this Committee:

"You have read of Kirstjen's accomplishments and her polished resume. You have heard the accolades of her success and devotion to duty. What truly sets Kirstjen apart is her integrity, sense of service to our Nation, and dedication to the men and women who risk their lives serving our great country every day. She is undoubtedly qualified to serve as the next Secretary of Homeland Security, and I implore the Committee to ensure a swift confirmation for the sake of our Nation."

Mr. Chairman, I would ask, if appropriate, that the full letter, which I have here, from former Secretary Kelly be entered into the hearing record.¹

Chairman JOHNSON. Without objection.

Senator RUBIO. Aside from Ms. Nielsen's impressive qualifications, I know her to be prepared for challenges, devoted to finding solutions, and committed to working with us here in Congress to ensure a safe and secure homeland.

I thank you for allowing me the opportunity to introduce this well-qualified nominee, and I truly hope that the Committee will quickly move forward with her nomination and that the Senate will soon confirm her as the next Secretary of the Department of Homeland Security.

I thank you again.

Chairman JOHNSON. Thank you, Senator Rubio. Senator Portman.

TESTIMONY OF THE HONORABLE ROB PORTMAN,² A UNITED STATES SENATOR FROM THE STATE OF OHIO

Senator PORTMAN. Thank you, Mr. Chairman. I appreciate you and Senator McCaskill giving me the privilege of being able to introduce the nominee today. Kirstjen Nielsen is, as was just said by my colleague Senator Rubio, so qualified for this job. I must say, Mr. Chairman, when you laid out the challenges we face, it is sobering, and we need to have somebody with the experience and qualifications that she has, and we need that right now.

Before commenting further on her distinguished career and qualifications, I do want to take a moment to acknowledge fellow Ohioan and Acting Secretary Elaine Duke for her service. She took over the Secretary duties at a challenging time and has displayed leadership and dignity. I know she has worked closely with you, Mr. Chairman, the Ranking Member, and others.

Kirstjen is not a native Ohioan like Ms. Duke, but I am equally excited to introduce her this morning. We served concurrently at the White House in the George W. Bush Administration where she was a trusted hand in the formative years of the Homeland Secu-

¹ The letter of Secretary Kelly appears in the Appendix on page 324.

² The prepared statement of Senator Portman appears in the Appendix on page 55.

rity Council as Senior Director for Prevention, Preparedness, and Response. I saw a decade ago a professional dedicated to public service and the mission of securing the homeland, just as I see that today in her actions more recently at Homeland Security and at the White House. I am delighted again that she is stepping forward to take on this responsibility.

I appreciated the opportunity to sit down with her a couple of weeks ago to hear about her priorities for the Department of Homeland Security. It sounds like you all have done the same thing, and it is exciting, I think, to have someone with her energy and enthusiasm, work ethic, as was mentioned by Senator McCaskill, and her qualifications to do this.

She has this Hill experience we talked about a moment ago. She also has private sector experience in the area of homeland security. I think most importantly perhaps, she is the first Department of Homeland Security Secretary nominee with previous experience at DHS. I think that is important given the serious challenges again you described for us, Chairman Johnson.

With this homeland security expertise and experience from those transformative years for the Department and at the White House, her industry and homeland security consulting experience, and her most recent role in the Administration, she will be the kind of experienced and capable leader we need now in this ever evolving threat environment we find ourselves in.

Most recently, of course, she served as Chief of Staff to Secretary John Kelly. She proved herself in the early stages of the Administration transition and saw firsthand the challenges of managing this diverse and sprawling agency. Senator McCaskill is right, it is a management challenge. She has seen firsthand those challenges.

Throughout her career in government and the private sector, she has developed expertise in homeland security strategy, cybersecurity, transportation security, and emergency resilience. She speaks regularly about the need for resilience in our homeland security posture. I think that is incredibly important for the next Secretary.

Mr. Chairman, you noted in your opening comments that the Committee received written introductions for this hearing from former DHS Secretaries Tom Ridge and Michael Chertoff. I know both regret they could not be here today in person, as does Secretary Kelly, to endorse Kirstjen's nomination. But these leaders know what this job entails, and if I may, I would like to just briefly read a couple of excerpts from their letters and what they said about Kirstjen.

"Kirstjen," according to Secretary Ridge, "has been engaged in counterterrorism, all-hazard risk mitigation, critical infrastructure protection and response policy from the earliest days of what we now know as homeland security. She brings operational experience as well, having managed the day-to-day operations of the Department. She has since served as Principal Deputy Chief of Staff at the White House charged with coordinating the interagency policy-making process at the highest levels with the Secretaries and Deputy Secretaries. Simply put, she is ready to hit the ground running on day one." That is from Secretary Ridge.

From Secretary Michael Chertoff, he said this: “She played a key role in helping lead the lessons learned effort post Hurricane Katrina, informing and changing the way we have dealt with disaster preparation and response ever since. Kirstjen is a homeland security leader for our times. More than any previous Secretary, she understands the 21st Century challenges of a borderless cyber domain and has worked in both the public and private sectors to address this deeply interconnected and consequential risk to America’s national security and economic stability. Kirstjen offers our Nation the credentials required of a Secretary in today’s environment, experience, expertise in homeland security policy and operations, national and international perspective, and public and private sector experience in the mission space.”

Mr. Chairman, I echo those strong sentiments. I believe her work ethic, her experience, and her leadership is what is needed at Homeland Security, and needed now. I am sure we are going to have a fruitful discussion with the nominee today. I look forward to asking a few questions myself. I hope we can move this nomination very quickly out of Committee and through the Senate so we can get her to work as the next Secretary of Homeland Security at a critical time.

Thank you, Mr. Chairman.

Chairman JOHNSON. Thank you, Senator Portman.

Ms. Nielsen, it is the tradition of this Committee to swear in witnesses, so if you would please stand and raise your right hand. Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Ms. NIELSEN. I do.

Chairman JOHNSON. Please be seated.

Kirstjen Nielsen is currently the Principal Deputy Chief of Staff to President Trump and prior to that was the Chief of Staff to then-Secretary John Kelly of the Department of Homeland Security. Ms. Nielsen served in the Bush Administration as Special Assistant to the President and Senior Director in the White House Homeland Security Council from 2004 to 2007. She holds a bachelor’s degree from the Georgetown University School of Foreign Service and a J.D. from the University of Virginia School of Law. Ms. Nielsen.

**TESTIMONY OF KIRSTJEN M. NIELSEN,¹ TO BE SECRETARY,
U.S. DEPARTMENT OF HOMELAND SECURITY**

Ms. NIELSEN. Thank you. Mr. Chairman, Ranking Member McCaskill, and distinguished Members of the Committee, it is an honor to appear before you today as you consider my nomination to lead the Department of Homeland Security. I am humbled and grateful to the President for the trust he has placed in me to lead the great men and women of the Department during such a critical time.

I want to thank Senators Rubio and Portman for their kind words and introductions. Thank you also to former Secretaries Ridge and Chertoff for their statements. It was an honor to serve

¹The prepared statement of Ms. Nielsen appears in the Appendix on page 57.

and work with them, and I look forward to their continued partnership and stewardship of our homeland security enterprise. Finally, I want to thank former Secretary, now Chief of Staff, General Kelly for his leadership, example, and 46 years of steadfast service to our Nation.

If I could, please allow me just a moment to introduce the members of my family who are here with me today: my father, James; my sister, Ashley; my aunt and uncle, Trevor and Mary Ellen Burton; and one of my cousins, Andrew Bragg, who managed to get here from Germany. I would also like to thank Mrs. Kelly for her support and for being here for me today.

I was raised to believe in our country and its founding principles and ideals, to serve our country, and to appreciate and be thankful every day for the freedoms we hold dear as Americans. I am beyond grateful to my family for the values they have instilled in me and their unwavering love and support throughout my life. Thank you all for your continued encouragement and for traveling so far to be here today.

If confirmed as the next Secretary of Homeland Security, it will be the greatest honor to again work with and support the remarkable men and women of the Department. I just simply cannot say enough about the incredible work of the people of DHS, many of whom put their lives on the line daily to ensure the safety and security of our Nation.

Over more than two decades, I have dedicated my career to working on homeland security issues. After working on security issues for Senator Connie Mack, I practiced corporate transactional law during which time I learned how private sector operations are directly affected by organizational structures and delineation of roles and responsibilities. My service in the Executive Branch began in 2002 at the Transportation Security Administration. It was an honor to work alongside the countless public servants who stood up TSA and tackled the very tough security challenges that we faced after the tragic attacks on September 11, 2001 and who then later helped to stand up the Department of Homeland Security.

I was subsequently commissioned by President Bush to serve as a Special Assistant to the President for Homeland Security and as Senior Director for Preparedness, Prevention, and Response. Charged with interagency policy development and coordination, I led the development of new national strategies and policies, articulating the roles of all levels of government and the private sector in protecting our Nation. During this time the Nation experienced the devastation caused by Hurricane Katrina along the gulf coast. Based on the lessons identified from that response, I led the update and revisions to our disaster response planning and recovery planning to strengthen our efforts moving into the future. I worked with Congress to draft the Post Katrina Emergency Management Reform Act and co-authored the White House Katrina lessons learned report. As we have seen again during this year's severe hurricane and wildfire season, DHS plays a crucial role in disaster preparedness, mitigation, response, and recovery working closely with public and private sector partners. I have worked closely with all facets of our emergency preparedness community, and should I

be confirmed, I look forward to helping to ensure our Nation's resilience to natural disasters, terrorist attacks, and other major emergencies.

While each aspect of the Department's mission is important—and as has been mentioned, there are many—I believe one of the most significant for our Nation's future is cybersecurity and the overall security and resilience of our Nation's critical infrastructure. The scope and pace of cyber attacks against our Federal networks and the control systems that run our critical infrastructure are continually increasing, with attacks growing ever more complex. Cyber criminals and nation-states are constantly looking for ways to exploit our hyperconnectivity and our reliance on information technology systems. My cybersecurity experience in both the private and public sector has prepared me well for the multifaceted challenge that is increasing our resilience to cyber attacks. I look forward to working with experts at the Department and within the interagency and the private sector to address threats, protect our networks and essential functions, and secure our Nation's interests in cyberspace.

At the start of the current Administration, I also had the honor of serving as Chief of Staff at DHS under then-Secretary Kelly. During that time I worked closely with State and local officials, Cabinet Secretaries, foreign partners, and Members of Congress on all of the issues that DHS faces. I had the opportunity to develop strong working relationships with DHS leadership and helped to develop many of the Department's current key priorities and strategies.

Our Nation today is facing a complex threat landscape that is constantly evolving. The threats we face are too many and too varied for one entity to address them successfully alone. I understand the risks and the resulting challenges the Department is tasked with resolving, and I am eager to get to work with all of DHS's partners—domestic and international from all sectors—to find solutions.

If confirmed, I pledge to continue the record of exceptional leadership that General Kelly and Acting Secretary Duke have established at DHS. I vow to the men and women of DHS, to you, and to the hundreds of millions of Americans who rely on DHS every day to work tirelessly to effectively execute each mission at the Department. I will work every day to enforce our laws; secure our borders, coasts, and waterways; and protect Americans from dangerous criminals, terrorists, cyber attacks, and the other threats facing our homeland. Together we will continue such efforts as those initiated by Secretary Jeh Johnson through his Unity of Effort Initiative to unite the Department and remove unnecessary stovepipes. I also pledge to work every day to give the dedicated men and women of the Department the support, tools, and resources they need, and deserve, to carry out their difficult—and often dangerous—missions.

Thank you all again for the opportunity to appear before you today. Should I be confirmed, I look forward to partnering with each of you, the Committee, and the full Congress to protect and secure our homeland. I look forward to answering any of the Committee's questions.

Chairman JOHNSON. Thank you, Ms. Nielsen.

There are three questions the Committee asks of every nominee for the record. The first question is: Is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Ms. NIELSEN. No.

Chairman JOHNSON. Do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Ms. NIELSEN. No.

Chairman JOHNSON. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Ms. NIELSEN. Without reservation.

Chairman JOHNSON. Thank you.

I will defer my questions until the very end, but we do have a request for a second round of questions, which I am happy to accommodate.

I also want to make sure that those who do not stick around get a full hearing, so I will set the timer for 7 minutes, but I am going to be very mindful of that, and I am going to discipline that. Please, Members, do not be asking questions to the very end. If you do, I will just ask Ms. Nielsen to submit her answer for the record.

With that, I will turn it over to Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman. I will do my best to make the 7 minutes. You scared me to death just then. I feel like there is an electric shock that is going to run through my body if I go over 7 minutes. [Laughter.]

I know that you revised your questionnaire last night, and I want to make sure we get that on the record.¹ What you have done is you have gone through and clarified in the questionnaires both for the majority and the minority that you would comply without reservation for any request to appear and that you would without reservation make any subordinate official available to appear and testify. You agree without reservation to completely, fully, and promptly respond to any requests for documents from any duly constituted committee of the Congress if you are confirmed. You went on to do the same thing in the minority. I just want to get that on the record that there was some confusion in some of the answers to your previous questionnaire that you, like your predecessor, understand that you have a duty to respond to oversight requests, whether they come from the majority or the minority.

Ms. NIELSEN. Yes, ma'am.

Senator MCCASKILL. Thank you very much.

I want to read a quote from your predecessor about the wall, and it was as follows: "It is unlikely that we will build a wall or physical barrier from sea to shining sea," Kelly testified to this Committee. "We are not going to build a wall where it does not make sense, but we will do something across the Southwest Border."

Do you agree with General Kelly in that regard?

Ms. NIELSEN. Yes, ma'am.

¹The questionnaire referenced by Senator McCaskill appears in the Appendix on page 148.

Senator MCCASKILL. Whistleblowers. I am a big believer that there must be whistleblower protection. Can you briefly address how you feel about whistleblowers and protecting them from retaliation within the Department?

Ms. NIELSEN. Yes, I would be happy to. I would do, should I be confirmed, everything in my power to ensure that there is no retaliation. I feel that whistleblowers are a very important part of the way that our democracy functions. I was very happy that recently the President signed into law another whistleblower act. Of course, it was greatly due to the Chairman's efforts. But I believe within each department we need to ensure not only that there is an environment of trust and respect, but that there is a safe place for voices to be heard. It is vital that we understand any concerns of employees.

Senator MCCASKILL. Let me also address contracting after disasters. We are all very worried about all the Americans. For the first time, I believe, in my lifetime, we have been unable to restore basic living necessities to thousands of Americans for weeks now. I am confident you will get other questions about Puerto Rico, but I want to specifically hone in on contracting.

You have awarded more than \$2 billion in contracts, twice the amount of contracting activity the agency typically conducts in an entire year, just since Hurricane Harvey struck. What circumstances do you think it is appropriate to award no-bid contracts? And what could you do to prepare the agency with contracts that have been competed that could slide into place in the aftermath of a disaster?

Ms. NIELSEN. Thank you for the question. This is an area, should I be confirmed, that I really would like to work with Congress on. We need flexibility, accountability, and agility in these contracts. In some cases, we need to adjust the rules such that we can get the needed mission assignments, needed supplies to the people. But we have to make sure there is accountability and that we have checks and balances and internal controls. I am not fully aware of every particular avenue that FEMA has perceived or pursued, but I think what we need to be aware of is the innovation needs to be balanced with accountability.

Senator MCCASKILL. What I am looking to hear is that generally you have a bias against noncompete contracts.

Ms. NIELSEN. I think it is a last resort, in my opinion. If it is life and death, there might be some circumstance that I—

Senator MCCASKILL. But that is my point. What I really hope happens is that you begin a comprehensive effort. We know these disasters are coming.

Ms. NIELSEN. Yes.

Senator MCCASKILL. We know that there are going to be natural disasters across our country. All we have to do is look what is going on, and I believe a lot of this is climate. That is for another day and another discussion. But in order to have standby contracts that can be competed, that takes leadership from DHS and FEMA. Of course, you have to do a no-bid contract if you have nothing prepared for the moment where you have to have thousands of people restoring electricity.

Ms. NIELSEN. Yes. I agree. I think we need to have better modeling, and based on that modeling and understanding of the potential consequences, we need to work with State, local, tribal, and territorial governments to have those contracts in place pre-disaster. That is a much more effective way to do that.

Senator MCCASKILL. You and I discussed yesterday one of my biggest concerns is our ports. My colleague to the left here, Senator Portman, Senator Hassan and Senator Johnson, and many of the others, all of us are so concerned about the public health crisis that grips our Nation in terms of the death toll from opioids. We know that a lot of this is coming in fact, I think if we really did a close analysis, we would see more of it is coming in through the ports than across the border in terms of opioids, especially fentanyl. Meanwhile we are adding more Border Patrol officers on the border, agents on the border, when we cannot fill the positions we have, and we are cutting port officers where we desperately need more manpower. They are thousands of folks short.

I am quickly approaching where I am going to get electric shock, but I would like you to address and make a commitment that you will look at this imbalance and address it, that we are actually potentially overloading the Border Patrol and ignoring the ports.

Ms. NIELSEN. Senator, you have my commitment. I look forward, should I be confirmed, to working with the folks at CBP, understanding their operational needs on the border. As you know and we talked about, it is a combination of both personnel and technology. We also have to remember that technology can always serve also as a force multiplier if implemented and executed correctly.

We need to move with the times, so we need to understand where and how the drugs are coming in, the best combination of resources, which includes personnel, to combat that.

Senator MCCASKILL. Thank you.

Thank you, Mr. Chairman. How did you like that? Look at that, 3 seconds.

Chairman JOHNSON. I appreciate it. But for the record, I only really threatened a light tap of the gavel. [Laughter.]

Senator Portman.

Senator PORTMAN. First, thank you, Mr. Chairman, for your indulgence letting us have the opportunity to ask some questions before you because I know you are going to have a lot yourself.

First, welcome, and, again, we are delighted that you are stepping up to take on this incredibly important role. One of the things that was mentioned earlier was congressional oversight. There has been frustration expressed in this Committee over my tenure on this Committee of the last several years that we do not get the kind of responses that we need to be able to do effective oversight. This is not a partisan issue, and it should not be. And as the Chair of the Permanent Subcommittee on Investigations (PSI), we have worked on a totally bipartisan basis, and we have done some good work, but it requires the Administration to be responsive.

I would say that it might be helpful for me to give you a specific example rather than just sort of talk generally about it, and it has to do with what Senator McCaskill talked about earlier, which is this ability for us to focus on the supply side with drugs coming

into our country. We are doing an investigation, and I am not going to get into detail about the investigation because we tend to keep those nonpublic at PSI. But we are trying to get information from the front lines as to what is happening with regard to looking at packages.

We know fentanyl is the No. 1 killer now in my home State of Ohio. It is increasingly the drug that is even pushing out heroin and other opioids. It is a synthetic drug. It is inexpensive. Most of it comes from China. Most of it comes through the mail system. Private carriers, as you know, have to provide this advance electronic data, which we will talk about in a second. The Postal Service does not; therefore, traffickers use the Postal Service.

We want to know: How can we stop this poison from coming into our communities? And we all on this Committee have focused on the demand side. That is important, prevention, education, treatment, and recovery. But we also know that if we can stop this poison from coming in, it will save lives and at a minimum raise costs for these street drugs.

We want to interview the online people who are actually doing the inspection of packages at John F. Kennedy (JFK), at your other sites where you have the post office bringing in overseas packages. We were told by DHS, no, those are too low level people, you have to interview the supervisors. We persist, but they continue to say no. So we say, OK, we will interview the supervisors. We interviewed the supervisors. They do not have the information for us. In fact, I will tell you, even the supervisors—one of them, at least, refused to look at the emails to be able to provide us some responsive answers, which was frustrating. But you know what they told us? You need to talk to the online people.

DHS refuses to allow us to talk to the online people. We go to the supervisors at their request. The supervisors say we really do not have the firsthand knowledge, you need to talk to the folks on the front line.

I just wanted to give you that as a very specific, real-time concern that we have right now in the PSI Subcommittee, and I think if Senator Carper were here, he would echo my concerns. He is the ranking Democrat on that Subcommittee. We do not want to have to go to subpoenas, but we will. I would just like the commitment that you expressed to me in private in our meeting about this broad topic that you will work with us to enhance the responsiveness of the Department. It is a big, sprawling Department with a lot of management challenges and a lot of layers. We want the commitment that you will work with this Committee, which is the Committee vested with the responsibility for providing oversight over DHS to respond to congressional inquiries.

Ms. NIELSEN. Thank you, Senator, for that question. You have my commitment. I think that, as we discussed, there is no more important partnership perhaps with a large Department with its large scope to be very clear with respect to the policies regarding oversight and transparency. I believe those are keys not only to leadership but to the effective partnership that is required to combat the threats today. You would have my commitment that any question that you have, we would be responsive and provide you

the information you need to do your job, which in turn helps us to do our job.

Senator PORTMAN. I think sending a message from the top is very important, and I think my colleagues on both sides of the aisle would appreciate that.

On this issue of drugs coming into the country, let me ask you about a specific legislative initiative. Most Members of this Committee have been involved in what is called the STOP Act.

Ms. NIELSEN. Yes.

Senator PORTMAN. That simply says that with regard to private carriers, you have to have the advance electronic data as to what is in the package, where it is from, and where it is going. That helps law enforcement, CBP in particular, to be able to identify those packages and stop some of this poison coming in. I have seen this at facilities with these private carriers, UPS facilities, DHL facilities, or the same thing at FedEx facilities.

At the post office there is not that requirement through the Postal Service. In 2002, this Congress required the private carriers to do it and said the post office should, too. We are going to give them some time. Let us have a report. That was 15 years ago. Even today, the post office is pushing back.

What I would like to hear today from you is your commitment to getting this legislation through. It is very simple. It says the post office has to require the same advance electronic data so that your folks can actually identify this poison coming in. When we talk to CBP, of course, they are very interested in having this legislation passed. They need this tool. When we talk to the postal inspectors, same thing. When we talk to local law enforcement, same thing.

The legislation has not moved, in part because the post office has pushed back. In the last 2 weeks, the Commission that the President formed on opioids specifically recommended passage of the STOP Act.

Ms. NIELSEN. Yes.

Senator PORTMAN. Now the Administration is sort of on record officially. Can you give us your commitment today that you will support the STOP Act and help us to get this legislative fix in this one area completed so that we can begin to make progress in keeping the supply of these drugs out of this country.

Ms. NIELSEN. Yes, sir. I also look forward, should I be confirmed, to providing any technical assistance that is necessary to make sure that we can implement it effectively, working with the U.S. Post Office and working with Customs and Border Patrol to ensure that they have the resources and personnel they need to play their part.

Senator PORTMAN. Thank you. I have so many other questions. I will for the record ask some questions with regard to security in the faith community because this is one of the issues that we continue to struggle with. I will also be asking some questions on the management side per our discussion earlier about the complexity of the challenge that you have, and particularly workforce management. But, again, we appreciate the fact that you are here today as a nominee with your experience and your background to be able to help during a critical time.

And, Mr. Chairman, please note that I am yielding back 38 seconds.

Chairman JOHNSON. I will note that I really appreciate that. Senator Tester.

OPENING STATEMENT OF SENATOR TESTER

Senator TESTER. Thank you, Senator Portman, for yielding back, and I will utilize those 38 seconds. No, just kidding.

First of all, thank you for being here, and thank you for your willingness to serve. I am assuming you will get confirmed. Hopefully, Montana will be on your docket for places to visit so we can look at a number of things that your agency impacts in rural America—border security, airport security, and the like. Along the lines of airport security, the Law Enforcement Officer Reimbursement Grants, are you familiar with those at all?

Ms. NIELSEN. I am sorry. Could you repeat it?

Senator TESTER. Law Enforcement Officer Reimbursement Grants.

Ms. NIELSEN. Law enforcement, yes, sir.

Senator TESTER. OK. It is a program to help local law enforcement agencies to secure local airports. I think it is a really important program, just to let the cat out of the bag on what I believe about it. The Administration would have eliminated this program through their budget. I think it puts a whole bunch of things at risk by doing that because terrorists tend to go to the weakest link, and I think it provides opportunity for a lot of weak links.

My crack staff tells me that the program is still at risk of elimination by the Administration. I want to know what your view is on those, and then I will have a follow-up. Go ahead.

Ms. NIELSEN. OK. Thank you, sir. Should I be confirmed, it is certainly something I would want to look into because, as you know, there is a mix of ways in which the Department of Homeland Security can work with State and local officials. The areas surrounding the secure area at airports is particularly vulnerable. It is a soft target.

Senator TESTER. Yes.

Ms. NIELSEN. You can walk in without screening. There is more that we need to do. DHS can provide training. They can provide information. What I would say is, yes, you have my commitment. There is a combination of resources that DHS needs to provide and work with State and local officials.

Senator TESTER. Good. I would tell you that I think that in the end, whether it is called a different program or not, but small-airport security is just as important as big-airport security.

Ms. NIELSEN. Yes, sir.

Senator TESTER. I would hope you would fight hard for that.

REAL ID, it is an issue that the Senator from Oklahoma and I have in common. I will speak for myself. He will follow up later. But I have never been a big fan. There are a number of reasons why. I think we can get this pounded out, but it is going to require some visiting, some bipartisan visiting with a number of Senators to be able to make this work so that we do not end up doing things like in Montana, having a REAL ID that costs the citizenry additional dollars.

I just need your commitment that you would be willing to work with us on this issue to try to move it forward, and like I said, it would be in a bipartisan manner—

Ms. NIELSEN. Absolutely.

Senator TESTER [continuing]. Where we would come together to get the solution, because it has been around as long as I have been here.

Ms. NIELSEN. Yes, sir.

Senator TESTER. It is a problem.

Border security, a big issue. I am sorry I was not here earlier, so if I am asking you questions that have been already been asked on this, forgive me. The President has been an advocate for a wall on the Southern Border. As you well know, I serve as Ranking Member on the Appropriations Homeland Security Committee also besides this Committee. The question I have is: From your perspective, No. 1, I assume you have been on the Southern Border?

Ms. NIELSEN. Yes.

Senator TESTER. You have seen it. What is your view on a wall? And what is your view on technology?

Ms. NIELSEN. Yes. First of all, I just would like to, if I could, quote something Senator McCaskill said at the beginning. The President has stated, as have my predecessors at DHS—certainly something that I share—there is no need for a wall “from sea to shining sea.” What we need to do is work with the operators. Should I be confirmed, I would look forward to speaking with State and local officials, those on the ground, both law enforcement and Federal law enforcement, to include CBP, to understand where we need some sort of physical barrier.

Technology, as you know, plays a key part, and we cannot forget it. There is a lot that we can do with technology to help secure our border.

Senator TESTER. In a much more cost-effective way, too, I might add. There was a report that was due by your office August 3, I believe, on a comprehensive review of what the plan is for the border. Today I did not ask my staff this morning, but we have not received it. That may be one of the reasons we have not marked up that homeland security appropriations bill.

I guess, could you see if you could—assuming you get confirmed—put the gas on the pedal to get that? Because I think it is really important that we have a plan that we do not back into the plan, that we actually have a plan moving forward for the Southern Border.

Ms. NIELSEN. Yes, sir. I do think the plan, which I look forward to seeing should I be confirmed, also needs to be linked in the appropriate way to any appropriation or any other—

Senator TESTER. Oh, absolutely. I agree with you 100 percent.

Ms. NIELSEN. I understand the need for it.

Senator TESTER. Do you have any plans off the top of your head—and you could use the last 2 minutes I have, but I do not want you to—on port security, what needs to be done there?

Ms. NIELSEN. I think on port security what I would say is we just need to continue to evolve with the times, so everything from cybersecurity threats we now face to additional, perhaps more innovative ways in which the threats are being—

Senator TESTER. Is there any technology that you know of right now that the ports do not have that they need?

Ms. NIELSEN. I am aware of some additional screening equipment that we are looking at piloting and using at the borders. I am not aware of the constraints that a port environment might provide, but certainly we need the best and brightest both in terms of personnel and technology at the ports.

Senator TESTER. OK. Thank you very much. I would like the Chairman to note that I yield back a minute and 13 seconds.

Chairman JOHNSON. This is fabulous. [Laughter.]

Senator Heitkamp. I think we all appreciate it, by the way.

OPENING STATEMENT OF SENATOR HEITKAMP

Senator HEITKAMP. Thank you, Mr. Chairman. I will not disappoint you. You know what is coming: a question on the Northern Border.

Chairman JOHNSON. I know Senator Tester did.

Senator HEITKAMP. The Northern Border Threat Analysis was released in July after our bipartisan legislation that Senator Kelly Ayotte and I cosponsored. Obviously, when we look at the Northern Border, it is 5,500 miles with a very historic and significant partner in terms of Canada. But that does not mean that we can ignore our Northern Border threat assessment.

DHS has already committed to me that items such as improved facilities, better recruitment and retention, and better use of technology will be addressed in this strategy, but that strategy is only a first step. The implementation of the strategy must be prioritized during the budget process, and I am just going to ask you a series of yes or no questions.

Will you, if confirmed, commit to pushing in the next DHS budget for sufficient funds to execute the Northern Border strategy, including funds to begin improving facilities, improving recruitment and retention at remote and rural locations, and smart investments in technology to improve domain awareness?

Ms. NIELSEN. Yes, I will.

Senator HEITKAMP. Thank you. Will you commit to me that the Northern Border will be a priority of yours if you are confirmed?

Ms. NIELSEN. It must be, yes.

Senator HEITKAMP. Thank you. In order to fully understand, Montana and North Dakota share a border, so if you want to come to Montana, we will make it so that you come to Montana and North Dakota at the same time, and you will see that gap in border security that is particularly difficult in terms of recruitment and retention of staff and monitoring and securing the Northern Border facility. That would be that wide open space north of Minot all the way over through the Montana border. It is critically important that we get your commitment on the Northern Border issues.

Another program within the Department of Homeland Security which I have taken a particular interest in is the countering violent extremism (CVE) section, and we have not heard a whole lot about it, but obviously, when the Chairman went through a number of those incidents, a number of those are really homemade, lone-wolf kinds of situations. We want to make sure that we have relationships within the organization and within the communities to avoid

radicalization. Will you commit to evaluating the CVE program at DHS and reporting back to us in 90 days on your initial plans regarding the program, its goals and its grants, and how you intend to prioritize the mission of this organization, which I think is a little at sea at the moment?

Ms. NIELSEN. Yes, I do.

Senator HEITKAMP. I think it is critically important, and I would just ask that you pay particular attention to that problem.

I was struck by your opening statement where you announced, as we all do, that you believe in the principles of our founding documents and what constitutes our country. One of the great founding principles of our democracy is that we are a nation of laws. I think over the last couple of months we seem to find policies being announced in unconventional ways and policies being challenged in courts in ways that does not advance the goal of the Administration, in fact, just delays the goal of the Administration, but yet we are not sure who is doing the policy and how we can effect seamless integration and implementation if DHS is not involved.

I want to give you an opportunity to respond to this question. If you are, in fact, confirmed and you determine that a policy announced from the White House, not DHS, is, in fact, potentially illegal and goes beyond what DHS is able to do within the confines of law or regulation, and is otherwise not in the best interest of DHS or the American public, will you take up and repeat the President's statement of policy before Congress and the American people and bend the law or regulation to fit the policy that has been stated? Or will you tell the President and the White House that he has proposed limitations on his power and otherwise is outside the bounds of law and regulation and beyond what is good for, in fact, the Department?

Ms. NIELSEN. Thank you for the question, Senator. I fully intend in all cases and in all ways at all times to fully comply with all laws. I will expect the same of any employee or member of DHS. I also would answer your question yes, I would definitely tell the President if I thought a particular policy violated any laws of our country. But perhaps more importantly, it would be my intention at every instance to speak with him and other White House staff prior to any announcement of policy to make sure they understand both operational constraints, legal constraints, resource constraints, and the views and insights of other stakeholders that would need to be part of its implementation.

Senator HEITKAMP. I think over the months we have had a suspicion that sometimes the right hand does not know what the left hand is doing. You come from roles that have been supportive, Deputy Chief of Staff and Chief of Staff kinds of roles. You are in a new role in this new job.

Ms. NIELSEN. Yes.

Senator HEITKAMP. That means that you have to represent the Constitution. You have to fulfill your constitutional obligations, and you have to be accountable to this Committee. I would appreciate ongoing dialogue and making sure that that commitment is actually carried forth.

Thank you so much, and I would note that I have 48 seconds left on the clock.

Chairman JOHNSON. Duly noted. Senator Peters.

OPENING STATEMENT OF SENATOR PETERS

Senator PETERS. Thank you, Mr. Chairman. Ms. Nielsen, thank you for being here before us today and for your willingness to serve in this capacity. I also wanted to thank you for the opportunity that we had to meet in my office to discuss a lot of very specific issues related to the State of Michigan, and I appreciate that opportunity. If confirmed, I would look forward to the opportunity to work with you on those going forward.

But, Ms. Nielsen, we have seen an uptick in hate crimes across this country and in my State of Michigan recently. I am concerned that this Administration has failed to give these incidents the full weight and the attention that they certainly deserve. So I just have a few questions.

First, do you condemn white nationalism and white supremacy?

Ms. NIELSEN. Absolutely.

Senator PETERS. Do you condemn anti-Semitism?

Ms. NIELSEN. Yes.

Senator PETERS. Do you condemn Islamophobia?

Ms. NIELSEN. Yes.

Senator PETERS. Ms. Nielsen, I ask because, if confirmed, your tone and rhetoric as the Secretary is, of course, going to be extremely important for the men and women that you lead as well as for all of the American people. Let me turn to an incident in Charlottesville, Virginia. Do you agree that the individual charged with the murder of Heather Heyer was a white nationalist or, at a minimum, guided by extremist ideology?

Ms. NIELSEN. Yes, as I understand it, that is the case.

Senator PETERS. As the potential leader of a massive and diverse workforce, do you agree with the President's comments related to the Charlottesville incident, namely, that there were some "fine people on both sides"?

Ms. NIELSEN. Sir, all I can say is what I believe and what I would do should I be confirmed, which is both that I disavow any form of violence—whether that is anti-Semitic, white supremacist, any kind of radicalization, anyone who chooses to espouse their views through violence—should I become the Secretary of Homeland Security, I would do all in my power to work with State and local governments and communities, both from an awareness perspective but also to provide that key information sharing that enables them to anticipate such threats. We cannot tolerate it as the United States.

Senator PETERS. In the aftermath of Charlottesville, Americans are urging Congress to examine the threat of white nationalist violence and potentially broaden the scope of the current countering violent extremism programs. Nevertheless, many of our Nation's leading civil rights and community groups, including the American Muslim communities, believe that the CVE program has been focused disproportionately on law enforcement-led outreach and it is flawed and counterproductive in many respect.

Now, I want to be very clear. Law enforcement should, in my mind, continue to engage community leaders across the country. That is a very important element. However, this type of engage-

ment should in some ways be decoupled, I think, from CVE efforts. Without adjustment, the current CVE approach often foments—and I have heard this from folks in my State—the perception of mistrust, perceptions that are routinely exacerbated, unfortunately, by divisive and very polarizing messaging coming out of the Trump Administration.

My question is: What are your thoughts on reframing the DHS CVE mission to focus on engaging communities through a full range of government programs and Agencies, for example, integrating the Departments of Education, Health and Human Services, and others? If you could expand on your thoughts on dealing with this program, I would appreciate it.

Ms. NIELSEN. Yes, sir. I do believe it requires the full weight and strength of the U.S. Government. There are many different avenues in which we understand that individuals either become radicalized or find themselves on a path toward violence. The short answer is yes, should I be confirmed, I would work with the other Cabinets to utilize the tools and resources and information that they have. But I do believe the only way this works is to constructively and continually engage communities. We have to build that environment of trust and respect so that they feel that they can come forward in a safe way, not face retaliation, and have alternatives to an otherwise violent path.

Senator PETERS. If confirmed, will you commit to studying this issue and include the perspective of America's ethnic and religious minorities in that assessment as you are moving forward?

Ms. NIELSEN. Absolutely. Yes, sir.

Senator PETERS. I appreciate that.

As you know, Secretary Kelly visited my home State of Michigan very early in his tenure, which I appreciated that visit, particularly with the Arab American community, which is very large in the State of Michigan, and I would hope that you would commit to visiting Michigan as well given the concerns that have been expressed on a regular basis to me from that very large and vibrant and active community in the State of Michigan.

Ms. NIELSEN. Yes, sir.

Senator PETERS. I appreciate that.

Acting Secretary Duke said that she would provide this Committee with information related to the portion of the DHS budget that is spent on domestic terrorism versus international terrorism. Will you ensure that that happens, if confirmed?

Ms. NIELSEN. Yes, I would.

Senator PETERS. An Ohio man was charged with murder following the Charlottesville incident. The Department of Justice (DOJ), as you know, has also opened up an investigation. As you know, unlike international terrorism, there is currently no domestic terrorism statute on the books. Do you think legislation is required to address domestic terrorism?

Ms. NIELSEN. Sir, it is a good question. As you know, I think many Americans in the wake of Charlottesville were surprised to learn that there is no such crime as domestic terrorism. That does not necessarily mean that the Federal Bureau of Investigation (FBI) and the Department of Justice and State and local law enforcement do not have laws and tools that they need. But should

I be confirmed, it would definitely be a conversation I would like to have early on with Director Wray and the Attorney General to ensure that we do have the tools that we need to prosecute such activity.

Senator PETERS. Do you see any shortfalls now that you are concerned about?

Ms. NIELSEN. Not that I am aware of now, no, sir, but I would intend to study them.

Senator PETERS. But you do plan to have a thorough review of that?

Ms. NIELSEN. Yes.

Senator PETERS. Well, I would look forward to working with you on that as well to see what may potentially need to be done.

Do you support laws and policies that allow police and other authorities to demand proof of citizenship or immigration status based on their perception that an individual might be undocumented?

Ms. NIELSEN. I do. I believe in enforcing the Federal immigration laws of the United States, and I defer to State and local laws, which I would also comply with and have any employee, should I be confirmed, who works with me comply with as well.

Senator PETERS. In your support, just kind of a clarifying question, in your mind what would constitute reasonable suspicion? How would that differ from racial profiling?

Ms. NIELSEN. It is a good question, and I would have to understand what the States would argue the difference would be. I would do that and be happy to report back to you after, should I be confirmed, or as a question for the record.

Senator PETERS. Very good. Thank you.

Chairman JOHNSON. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, Mr. Chairman. Good morning, Ms. Nielsen.

Ms. NIELSEN. Good morning.

Senator HASSAN. Congratulations on your nomination.

Ms. NIELSEN. Thank you.

Senator HASSAN. Thank you very much for meeting with me in my office last week. I greatly appreciate it.

Before I get to my first question, I will just add to the chorus of those of us who have States with a Northern Border that we are looking for real attention to the Northern Border report and the improvements we should be making on the Northern Border.

But I wanted to start today just on the issue of our post caliphate strategy in combating the Islamic State of Iraq and Syria (ISIS). As you have pointed out, as a former DHS Chief of Staff and as the current White House Chief of Staff, you are familiar with the current challenges of the Department and the nature of the terrorist threat to our homeland. For the past several years, DHS has been leading the effort to address foreign fighter flows from the United States and allied Western countries to ISIS battlefields in Iraq and Syria.

Today the so-called caliphate is crumbling with the ISIS strongholds of Mosul and Raqqa having been retaken by allied forces. The

thousands of foreign fighters who joined ISIS' ranks could form, as former FBI Director Comey put it, "a terrorist diaspora" that could seek to carry out attacks on Western countries.

In your response to Committee questions, you alluded to steps that you would take, if confirmed, to address emergent threats and the next generation of terrorist threats. I would like you to specify what steps you will take, if confirmed, in the first 30 days to address the threat from our terrorism diaspora.

Ms. NIELSEN. Thank you. First, what I would do, of course, should I be confirmed, is to speak in detail with the leadership at DHS currently from intel and analysis and other parts of the Department. But, in general, I think what we have to realize is the threat has changed, as you have described. What we see now are more of an inspiration. There is less directed attacks, but they are no more dangerous when they are inspired.

The other challenge we face with inspired attacks is we are seeing throughout the world, particularly in Europe but, unfortunately, here as well, as recent events in New York indicated, that terrorists or would-be terrorists and people inspired by terrorism use very common items to—

Senator HASSAN. I understand that. Just because of our time constraints, what concrete actions would you take? One of the reasons you have broad support is because you have been there recently and you are ready to lead.

Ms. NIELSEN. Yes, ma'am. I would say awareness, outreach, ensuring that our intel is requirements-based, moving toward a different model, making sure that we use a Joint Task Force like mentality within the Department, to make sure that we are leveraging all the different parts, and to be very clear and prioritize what the threat is, making sure that we are addressing today's threat and not yesterday's or the month before.

Senator HASSAN. Thank you, and I will likely follow up with you on that a bit.

I also wanted to follow up on a couple of the questions you have heard about countering violent extremism. You referenced in your answers to Committee questions that DHS must increase its capabilities to address terrorists' exploitation of the Internet and social media for radicalization. You talked just now about the need to constructively and continually build up relationships, but can you tell us a little bit more about how you would actually do that?

Ms. NIELSEN. Yes. As I understand it, DHS, amongst other partners, has been working with the providers, social media providers, Internet providers. That is something that I would commit to continue. We need to, in partnership, find the terrorist substance on the Internet and remove it. We know they are using it to inspire, to instill propaganda, perhaps to cause confusion, as we have seen in other circumstances. But the Internet and social media are particularly vulnerable to such manipulations of information, so we need to work in partnership to remove them.

Senator HASSAN. You also mentioned in our meeting in my office the need to partner moms and imams, and I just am really trying to get at what you mean by that.

Ms. NIELSEN. We have heard—and I think what my reference was to, some of the different associations, nonprofit organizations,

NGO's, and international partners that we spoke to when I was at DHS suggested that they found in their experiences of best practice the best way to do the community outreach and to increase awareness was to work in particular with those two groups of participants in those lives.

Senator HASSAN. I am sorry for interrupting, but, again, time is short. DHS has a unique office called the Office of Community Partnerships (OCP) that does exactly what you are talking about and what you have referenced in answers to a couple of questions now. But while you were at DHS as Chief of Staff, the number of personnel in that office was cut in half, the grants program was eliminated, and the Director of the office resigned.

What is more, in your first few days at DHS, you rescinded previously awarded grants made to several organizations. Among the groups that had their grants rescinded was a group of reformed white supremacists who were working to pull others out of violent white supremacist groups and the Muslim Public Affairs Council, which has a track record of engaging the Muslim American community throughout the country on this kind of issue.

Can you tell me the reason why you took these actions at DHS? Specifically, why did you rescind grants that had been carefully vetted? How does this harmonize with your desire to increase DHS's capability to address terrorist exploitation of the Internet?

Ms. NIELSEN. Yes, ma'am. I think the short answer is it was an attempt to ensure that any grants that were distributed would, in fact, be effective. As you know, the awards were pre-awarded, if you will, just prior to the new Administration. What then-Secretary Kelly did was put a hold on the award, the final announcement of those grants, and asked the Office of Community Partnership to relook at the metrics so that we could build the metrics in at the front end to ensure that any taxpayer money was successful. Track record was one of the considerations, as well—I am sorry.

Senator HASSAN. No. Go ahead. Track record—so the question is: What has been done since? Because I would assume that those metrics and that vetting could have happened by now. It is not my understanding that we have issued more grants, and meanwhile the personnel has been cut in half. It does not speak to a real desire or sense of urgency about this.

Ms. NIELSEN. Yes, I look forward, should I be confirmed, but just in general, I look forward to hearing about the results of the grants. They have been awarded, as you know, but it has been 4, 5, or 6 months, depending on the grant. So the metrics are in place. The assessment and measurement will continue. I am very hopeful that we will find best practices that we can then scale and that we can then work with this Committee to ask for any additional resources, personnel, et cetera, that we would need to do just that. It is a vital part of what DHS does. We just need to make sure we do it in a very effective way.

Senator HASSAN. Thank you. Thank you for your answer.
Chairman JOHNSON. Senator Harris.

OPENING STATEMENT OF SENATOR HARRIS

Senator HARRIS. Thank you.

On September 5, the Administration announced that it was ending the Deferred Action for Childhood Arrivals (DACA). Prior to that date, were you part of any decisionmaking process to terminate DACA?

Ms. NIELSEN. Prior to that, it sounds a little bit esoteric, but I was instrumental in putting together the policy process at the White House, so there were a series of meetings within the inter-agency at various levels of government that I either helped coordinate in terms of establishing a process. In some cases I participated as one of the Deputy Chiefs of Staff.

Senator HARRIS. You were a part of the meeting that was held in the White House in the Roosevelt Room in late August that involved Attorney General Jeff Sessions, White House Senior Adviser Stephen Miller, and DHS Acting Secretary at the time, Elaine Duke?

Ms. NIELSEN. I believe so. Yes, ma'am.

Senator HARRIS. As you know, more than 2 months have passed since the Administration decided to end the DACA program for nearly 700,000 young people. During our meeting last week, when the issue of DACA was raised, I was encouraged to hear you say that you want to work on this.

Ms. NIELSEN. Absolutely.

Senator HARRIS. DACA recipients include, as you know, hundreds of thousands of individuals who are enrolled in colleges. They are working in Fortune 100 companies. They are serving in our military. Every day since that announcement was made, and even before, they wake up terrified. Every night they are afraid that there is going to be a knock on their door at midnight, removing them from their home and tearing apart their family.

Under these circumstances do you agree that legislation must be passed to protect these young people before the end of this calendar year?

Ms. NIELSEN. I believe that we must and we owe it to them to find a permanent solution. It is no way to expect anyone to live a month or 2 months at a time.

Senator HARRIS. While Congress works on this issue—and hopefully we will be working in a bipartisan way, and I have every hope that that is, in fact, what is going to happen. If confirmed, will you commit that these young people will not be an enforcement priority while Congress is working to fix this problem?

Ms. NIELSEN. Yes, ma'am.

Senator HARRIS. In order to participate in the DACA program, the government asked these applicants to share personal information about themselves and their families so that they could qualify for DACA. A Frequently Asked Questions document that was available on the DHS website stated that their personal information would not be used for enforcement purposes. Two weeks ago, I sent a letter with 38 other United States Senators to DHS asking the agency to keep its promise by not sharing the information it demanded from these young people in order to deport them. We have not received a response.

If confirmed, do you commit that this information will not be shared for enforcement purposes?

Ms. NIELSEN. First, I commit to you that we will get you a response.¹

Senator HARRIS. Thank you.

Ms. NIELSEN. Secondarily, yes, as I understand it, there are extraordinarily limited circumstances that involve very specifically national or public safety. To my knowledge, there are no other reasons or exceptions to enable that information to be shared for any enforcement purpose. If there are any, I will commit to you to immediately come and talk to you about it and work out a solution together.

Senator HARRIS. Will you commit to this Committee, if confirmed, that you will make that interpretation, which is that that information will not be shared for enforcement purposes, that you will make that policy position clear to all members and employees of DHS?

Ms. NIELSEN. Absolutely.

Senator HARRIS. Thank you.

At a September 27th hearing, I asked Acting Secretary Duke to extend the October 5th renewal deadline for DACA recipients. It did not happen. It has been reported that roughly 21,000 recipients were not able to gather the documentation and the \$495 that was required as part of the filing before the deadline.

If confirmed, will you reopen the application process and allow these individuals the opportunity to renew their status?

Ms. NIELSEN. I would commit to you to look into it. I am not familiar with the specific numbers. But if there are extenuating circumstances that we should take into consideration, I would look into those and talk with you further.

Senator HARRIS. I would urge you that part of the extenuating circumstances that should be taken into account is a national survey that found 57 percent of Americans say that right now they do not have the ability to pay \$500 of an unexpected bill. Additionally, there have been a number of natural disasters around the country, including my own home State, where Americans have lost their entire belongings, their paperwork, and they are barely getting through the day, much less have the ability to compile extensive documentation and come up with \$495. I would urge you to prioritize that fact when you think of the extenuating circumstances.

Ms. NIELSEN. Yes, ma'am.

Senator HARRIS. Thank you.

On February 20th, DHS released a memo that included seven factors for immigration enforcement. During a "Meet the Press" interview on April 16th, former Secretary Kelly stated, "Just because you are in the United States illegally does not necessarily get you targeted." I am quoting him. "It's gotta be something else. And we are operating more or less at the other end of the spectrum, and that is criminals, multiple convictions."

Do you agree with that assessment?

¹The information from Ms. Nielsen appears in the Appendix on page 246.

Ms. NIELSEN. Yes, I agree that we should prioritize criminals and any others that in any way are concerning from a national security perspective.

Senator HARRIS. And the definition of “criminals” is what?

Ms. NIELSEN. I would defer to you, but I would follow the law. Whatever the law tells me a criminal is, that is what we would target, and nothing less than that.

Senator HARRIS. In deference to me—and I appreciate that—I would urge you to consider the definition of “criminals” to be people who have violated the law in terms of violations of the Penal Code, and those are criminals, as opposed to people who are undocumented and in this country because of situations such as the Development Relief and Education for Alien Minors (DREAMers), which is that they were brought here as young children and know no other home except for this.

Ms. NIELSEN. Yes. The criminality that I would be talking about with respect to an enforcement priority is above and beyond the original illegal entry.

Senator HARRIS. It has been widely reported that between January and September of this year, ICE arrested nearly 3 times the number of individuals with no criminal history as compared to the same period last year. If DHS is, in fact, focused—as you have indicated and, if confirmed, under your leadership—on true criminals, it is clear that the front-line officers have a different impression. If confirmed, will you issue a written directive to the agents that they prioritize enforcement activities in a way that targets criminals who pose a public safety threat and not DREAMers or DACA recipients?

Ms. NIELSEN. Yes, although I will say I understand that to be the current policy. But if there is any question about it, we will clarify.

Senator HARRIS. OK. In particular, will you agree to issuing a written directive to the agents that that is the policy of the agency?

Ms. NIELSEN. Yes, I would or, if appropriate, Acting Director Thomas Homan would.

Senator HARRIS. Great. Thank you.

Chairman JOHNSON. Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Thank you, Mr. Chairman.

Ms. Nielsen, thanks for being here and for your leadership in the past, what you are doing currently right now to be able to serve the Nation, and your willingness to be able to go through this process. This is not a fun process to be able to go through, and all the paperwork and everything that you have to be able to do. Thanks for stepping up to be able to take that leadership for it.

Ms. NIELSEN. Thank you, sir.

Senator LANKFORD. Let me ask you a whole series of questions. One of them is a hiring issue. In Customs and Border Patrol and several other entities within DHS, it takes well over the standard 100 days for hiring, which is, again, way too long for the Federal hiring process. In Customs and Border Patrol, there are around 450 days to be able to hire one agent.

There was a request put in in the past for an additional \$100 million to be able to help fix that process. That is on top of the \$65

million that was put in place last year to be able to help in the process. That is \$165 million to be able to improve a very broken process.

My question for you is: How do we get this fixed so that it does not take 450 days to be able to hire a person to be able to help us in Customs and Border Patrol? Why does it take \$165 million to fix the process?

Ms. NIELSEN. That is a very good question. I think that hiring is something that would be at the top of my priority list, should I be confirmed. Senator Heitkamp earlier mentioned very specific, for example, concerns and difficulties we have in hiring for the Northern Border. Cybersecurity is another area, as you know, where we have difficulty in not only hiring but retaining qualified people within the Department.

We need to look at it holistically. The system needs to keep up with the times. Whether that is the way in which we are advertising, the way in which we are allowing those to apply, as I understand it, unfortunately, some of the websites, for example, where jobs are listed, the links are bad. Some of this is something that we can—low-hanging fruit, if you will. But from a holistic perspective, we have to have the internal controls in place to ensure that not only on the hiring side but then all the way through the cycle of retention and professional development.

As to cost, should I be confirmed, that is certainly something that I would look into. I am not familiar with that particular—

Senator LANKFORD. OK. Let us walk through that. I serve on the Appropriations Committee, as well as Homeland Security here, so I am on both the authorizing and the appropriating side of this. This is something I track very carefully, and it is something I think we can do for less than \$165 million to be able to fix the broken process. But at the end of the day, we have to be able to reform how we are doing hiring and what happens with hiring.

Senator Tester brought up to you earlier a request that had been put in already to the Administration by August the 1st to get a comprehensive plan for border security.

Ms. NIELSEN. Yes.

Senator LANKFORD. That is something that has been mentioned by multiple entities. It needs to be Northern and Southern Border. Obviously, the first part of this is a discussion of the Southern Border. You have already mentioned that we are not talking about a wall from sea to shining sea. We are talking about technology in some places, clear markings in other places, and walls and others. We need to be able to know not only the costs but the strategy for that on the Southern Border, and we are going to want to know the same thing for the Northern Border.

For instance, there is a much higher number of unmanned aerial systems (UAS) on the Southern Border than there is on the Northern Border, though the Northern Border is more open, quite frankly, than the Southern Border is, and it is 2,000 miles longer. We are going to need to get some greater attention to the Northern Border and a plan and to be able to figure out costs. The initial cost estimate that came to us in the Appropriations Committee was about \$20 million a mile for the construction of the wall. Ten years ago, when we were building 650 miles of fence that exists cur-

rently, that was about \$2.5 million a mile. I am trying to figure out why the cost estimate has gone up 10 times in 10 years. We do have inflation, but it is not that great.

That is an area that we are just going to need to get greater clarity on to be able to determine how we are actually securing the border, but doing it was the taxpayers' dollars in mind as well.

Ms. NIELSEN. Yes, sir. I look forward to working with you, should I be confirmed.

Senator LANKFORD. I appreciate that very much.

We have spoken as well before about the election security issues and what we are facing with foreign actors trying to interfere not only in our free speech but in our election process itself. One of the things that I raised at that time when we spoke last was about the length of time it took to be able to notify States that they were currently being probed by foreign actors. That is a length that is much too long. It is around 14 months from when a State was probed by a foreign actor to they actually were notified, hey, you are being probed. We have to notify them.

The two main questions that I will have for you to be able to work together on is: One is clearances for State elected officials so we could have a more rapid communication. The second one is, at the end of an election time, that it is an auditable election, that we will work with States not to determine what their election system is. That is the role of the State. Their equipment, all of those things, that is the role of the State. But to be able to make sure a State at the end of an election can actually audit their election would be helpful to be able to help in that process.

What I am looking for is just cooperation on trying to deal with some things that I would assume the American people will assume of us will be done a year from now when there is a large-scale Federal election again.

Ms. NIELSEN. Yes, sir, you have my commitment. In fact, when I went to vote this week in the Virginia election, I was quite concerned with the scanning machine and started asking a variety of questions on what the security on the scanning machine was for the ballot. I think we all have to be very aware and work with the State and local officials. The role of DHS, as you know, is to respond to requests from those officials, ensure that they have the clearance so that they can receive the information, and then offer a variety of tools to ensure, from supply chain all the way through to that dissemination of the voter rolls, that it is protected.

I also would just offer that redundancy is very important on the back end with the audit, so whether it is paper ballots or whether it is physically moving the ballots, as they do in California, as chaperoned by the Highway Patrol, we need to ensure the integrity of our electoral system.

Senator LANKFORD. I completely agree.

Let me bring up a couple more things rapidly to you. One I brought up to several folks, both with FEMA and now in your leadership with DHS, that we have a longstanding issue where Congress determined in the 1990s that nonprofits were eligible for disaster aid. That in the 1990s was redefined to say it does not include houses of worship, so churches, synagogues, and mosques are not allowed to get FEMA disaster aid, though often those houses

of worship are the location for distribution of food, supplies, clothing, everything else in the area, but they have been pulled out and defined as not nonprofits, which I think is an overstatement of what the law is. That is something that we can try to help clarify, but it is something I also believe the Administration already has the authority to be able to help clarify: when it says nonprofits, that does not exclude faith-based nonprofits, especially after the Trinity Lutheran case earlier this year, clarifying from the Supreme Court that we cannot ever go to a house of worship and tell them you cannot participate in your government if you are faith-based. That gives an unfair decision for any house of worship to say, yes, you can participate with your government as long as you give up your faith first. That is not something that we are going to do. That is an area we will just be able to maintain that conversation.

Along with Senator Tester, I want to be able to bring up the REAL ID issue, and the main point for me is waivers and decisions on waivers and how we are going to actually settle the issues for the States that are still in that zone right now of making decisions. They need to be made as early as possible—

Ms. NIELSEN. Yes, sir, I look forward to—

Senator LANKFORD [continuing]. The longer it takes, the more difficult it is for actually trying to be able to arrange things around that.

Ms. NIELSEN. Yes, sir.

Senator LANKFORD. Thanks again for your service.

Ms. NIELSEN. Thank you.

Chairman JOHNSON. Senator Hoeven.

OPENING STATEMENT OF SENATOR HOEVEN

Senator HOEVEN. Thanks for being here today.

Ms. NIELSEN. Good morning, Senator.

Senator HOEVEN. Congratulations on your nomination. I certainly look forward to working with you.

Ms. Nielsen, what are the key steps in your opinion to securing the border and to enforcing immigration law? What are the key metrics that you will use to evaluate performance?

Ms. NIELSEN. I would just say at the start that metrics are vital. I just do not think that we can effectively and efficiently spend taxpayer money without them. We need to work with stakeholders. We need to work with this Committee and others to ensure that we do have metrics that actually are indicative of performance. Sometimes metrics can be designed in such a way to be a compliance exercise. That is not what we need. We need something that actually demonstrates the performance.

Having said that, the steps that I need to take, that we need to take, I think we need to look at it as a very integrated system. I believe you and I spent a little time talking about it is not just physical barriers. It is personnel, it is training, it is technology. It is working with State and locals. It is understanding a variety of things that might be needed in special circumstances, such as surge control or if there is a natural disaster.

I look forward to reading the border strategies that I know DHS is finalizing, and certainly, should I be confirmed, at that time

would look forward to working with you in more detail. But I do not think this can work either from an appropriations perspective or a true goal of security without those metrics. I do think they should be transparent, ones that can be measured, ones that are repeatable, and ones that we have the ability to update if, in fact, they prove not to be as useful.

Senator HOEVEN. That also includes making sure that you are enforcing immigration law within the country as well as security on the border—

Ms. NIELSEN. Yes, interior, of course, as well.

Senator HOEVEN [continuing]. When you talk about those metrics.

Ms. NIELSEN. Yes, sir.

Senator HOEVEN. That needs to be measured and understood.

Ms. NIELSEN. Correct.

Senator HOEVEN. Not only by DHS, but the general public as well, right?

Ms. NIELSEN. They should be transparent, yes.

Senator HOEVEN. For the formulation of good policy.

Ms. NIELSEN. Agreed.

Senator HOEVEN. UAS, I think some of my colleagues have talked about the Northern Border, and I certainly want to emphasize the Northern Border as well as the Southern Border. I want to ask for your opinion in regard to the use of unmanned aircraft technology for border security.

Ms. NIELSEN. I think it provides us a very interesting capability as a force multiplier. The ability to have that not only situational awareness but the sensors that we now have available to us enable us to detect a variety of threats that could be coming across our border, anything from something in the CBRNE perspective through to people through to illicit goods. It is a force multiplier, so we absolutely should be looking at it, the ways in which to integrate it. As any new technology, we also need to look at the vulnerabilities and make sure that we are securing it up front, not trying to add security on the back end.

Senator HOEVEN. You would support the use of unmanned aircraft technology as a piece of border security on both the Northern and the Southern Border?

Ms. NIELSEN. If the operators and the folks on the ground believe in any way it can be useful, absolutely.

Senator HOEVEN. What about defending against unmanned aircraft, whether that be at the border or even address it in terms of potential threats within the country?

Ms. NIELSEN. That is the flip side.

Senator HOEVEN. Right, exactly.

Ms. NIELSEN. That is where in our use we would have to at the front end think about the vulnerabilities that they could provide or how they could be use to do us harm. As you know, we have seen unmanned vehicles, small ones, everything from improvised explosive devices through to, unfortunately, dispersal devices for chemical or bio attacks. We have to take that seriously. As I understand it, there is some work that DHS is undertaking today on that. But that is one that we have to watch very carefully and include in our planning and our resourcing to be able to combat.

Senator HOEVEN. Right. It raises everything from privacy issues—

Ms. NIELSEN. Yes.

Senator HOEVEN [continuing]. All the way to a potential threat, as you said. In Grand Forks, North Dakota, at the Grand Sky Technology Park, which is part of the Northern Plains test site, one of six test sites in the Nation for UAS, we are already working on some of those issues. We have a partnership between not only the test site but also the University of North Dakota School of Aviation, one of the premier schools of aviation in the world, with the U.S. Air Force, with Customs and Border Protection, which has responsibility for 900 miles of border security all from the Great Lakes all the way out west through most of the Montana border, 900 miles. Then we have companies like Northrop Grumman and General Atomics out with Predator, Reaper, and Global Hawk.

This is an opportunity for us to work with DHS on developing all these things UAS. You and I talked about this in my office. I appreciate that. But, again, I ask for your attention to looking at how we can partner to accomplish exactly what we are talking about with UAS technology.

Ms. NIELSEN. Yes, sir, you have my commitment.

Senator HOEVEN. OK. The other thing I wanted to ask about is, we saw this attack in New York City and in this case the use of a truck. Talk to me about not only how we prevent or do more to prevent those types of attacks, respond to them, but also how in your opinion we can address this radicalization of people either who are radicalized overseas or here in this country, so all three. How do we prevent? How do we respond? How do we address the radicalization?

Ms. NIELSEN. Yes, sir. On the protection front, as you know, DHS offers a variety of tools and resources with respect to any soft target attack. It is vital that, in my opinion, they continue to do so. Should I be confirmed, it would certainly be something I would want to work with State and local law enforcement to ensure that they are receiving what they need. But this is everything from information sharing to vulnerability assessments of soft targets through to active shooter drills and exercises. The JTTFs that form with the FBI are crucial, ensuring that they have the tools that they need. I would be working closely with the Department of Justice to ensure that we are offering everything we can from a Federal Government perspective.

As to the radicalization issue, in my mind we have to look at it at almost two different points, the first point being, why and how does an individual become radicalized within our country. What are they reading, what are they accessing, what are they hearing, what are they not reading, accessing, or hearing that enables them to become radicalized?

The second point is once they are radicalized, what can we do to off-ramp them, if you will, to help them see that there is a better, more productive way to express their views that are protected in this country, but to do so in a nonviolent manner?

Should I be confirmed, I really look forward to working with DHS, but also to the many organizations, law enforcement communities, and, frankly, international partners who have looked at

these issues to determine the best practices that we can use to raise awareness and eliminate this threat.

Senator HOEVEN. That ability to network, to really network with all the other law enforcement agencies, security agencies, not only at local, State, and Federal level, not only in this country but other countries, is such a huge part of what you do.

Ms. NIELSEN. Yes, sir.

Senator HOEVEN. You referenced that, and I think that is absolutely right.

Thank you for your willingness to step up and serve in a very challenging and demanding position, a very important position. We appreciate it.

Ms. NIELSEN. Thank you, sir.

Chairman JOHNSON. Thank you, Senator Hoeven.

Before I throw it to Senator Carper, as long as you raise this issue, I want to kind of follow down the same path for continuity. One thing I was struck by in the recent New York terrorist attack using a truck, apparently he read the how-to manual on the Internet that showed what kind of truck gives you better maneuverability, two wheels on the back axle so you have a greater chance of running over people. What is your understanding—I am not a lawyer—of the current state of the law of the lawfulness of that type of how-to manual on the Internet? What do you think we ought to do in terms of explore—for example, we do not allow child pornography on the Internet. It is illegal to download it. What should we do in terms of that type of how-to manual, that kind of incitement to violence on the Internet?

Ms. NIELSEN. I would offer that I think we need to have a serious discussion, frankly, in conjunction with the Executive Branch and the Legislative Branch to really look at this issue of content. Obviously, our rules and the values that we hold dear enable each one of us to speak freely within this country.

Having said that, there is a point at which certain very specific descriptions of weapons, how to conduct attacks, we often jump right into terrorists' use of the Internet, but there is something before that. I do think we have to have that conversation and then work with those who provide and enable that information on the Internet to find a way to identify it and remove it should we determine that it is not appropriate.

Chairman JOHNSON. Well, I will want to work very closely with you as you explore that because this is a different kind of enemy.

Ms. NIELSEN. Absolutely.

Chairman JOHNSON. The old ways, the old tools just are not working. Senator Carper.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Thanks very much. Thank you for visiting with me earlier this month, and thank you for being here today.

I want to just say to Senator McCaskill, it is nice to have you back, and we are glad to hear that Joe is on the mend.

A number of us on this Committee like to focus on root causes, not just addressing the symptoms of problems, but what are the root causes. I will just take a very short time. What would you say are the root causes of hundreds of thousands of people trying to get

out Honduras, Guatemala, and El Salvador to get into the United States? What are the root causes of that?

Ms. NIELSEN. Yes, sir. I think it is push and pull, as we often say in common parlance, but generally to me what that means is the conditions on the ground unfortunately in some of these countries are such that the citizens there believe they have a better opportunity if they go elsewhere. On that note, what I would do, should I be Governor—should I be confirmed—

Senator CARPER. Governor—that is a good job, I can assure you. [Laughter.]

Ms. NIELSEN. We could throw that in here, should I be confirmed is to continue to work in partnership with those governments. We have to increase the prosperity there. There is a variety of programs you and I have discussed, including the Alliance for Prosperity. But to really help the community find jobs, track the private sector, enable the community to be resilient in such a way that it in and of itself provides the type of environment that citizens would want to stay.

I also, as you know, feel very strongly that our drug demand in this country is also an underlying factor of that push, if you will. Our drug demand is like no others. Americans, unfortunately, we have a higher drug rate—not only death rate from it, but use of illegal drugs—than any other country.

Senator CARPER. Thank you. That is good.

Ms. NIELSEN. Yes.

Senator CARPER. As you know, the Comptroller General's Office produces every other year at the beginning of a new Congress something called the "High-Risk List" and high-risk ways of wasting money. One of the things they raised for the first time on the High-Risk List about 4 years ago was the fact that we are spending a lot of money in this country trying to prepare for and fight against the rising level of the oceans. Delaware is the lowest-lying State in America. We see the vestiges of climate change and sea level rise every day in my State. Our State is sinking. The oceans are going higher.

Do you believe that climate change is occurring that has caused temperatures to rise over the past 30 years or so and that it is primarily caused by human beings?

Ms. NIELSEN. I do absolutely believe that the climate is changing. I cannot unequivocally state it is only caused by human—

Senator CARPER. That was not my question.

Ms. NIELSEN. There are many contributions to it, yes, sir.

Senator CARPER. My question was: Do you believe that it is primarily caused by human beings?

Ms. NIELSEN. I believe that climate change exists. I am not prepared to determine causation.

Senator CARPER. Really? Why not?

Ms. NIELSEN. Because I believe—

Senator CARPER. There are people from almost 200 nations gathered today in Bonn focused on this issue, on this issue alone. Ninety-eight percent of our scientists that have said anything about this say this is a problem and we are the root cause, we as humans. For you to sit there and say, well, it is not really clear, something is happening here, and I think it is clear.

I will go on to my next question. I enjoyed meeting with you. I think you are smart. I think you are well spoken. I worry a lot about your leadership and your experience as a leader and your lack of experience. I have been privileged to have a chance to provide some leadership in 23 years in the Navy. I have been privileged to be Governor of Delaware for 8 years, and hopefully I provided decent leadership there. The idea of me taking on an agency that has 240,000 employees scattered all over the world and leading them in the right direction, it would be daunting for me. Tom Ridge, one of my closest friends, it was daunting for him. Janet Napolitano, a close friend, daunting for her. Jeh Johnson, close friend, daunting for him.

Why should we believe that as smart as you are and as well spoken as you are that someone who, as far as I know, never led an organization of even 100 people much less 240,000 is ready to take on this responsibility this large now?

Ms. NIELSEN. Yes, sir. I would like to offer that I have been privileged to have opportunities throughout my life, both professionally, volunteer, and in other endeavors to lead, and to me a big part of managing is to be very clear about mission, to be very clear about roles and responsibilities, to empower those that I work with, ensure that they have the tools and resources they need.

I think many of the leadership skills that have brought me to this place are scalable. What I would do, should I be confirmed, is work with the operational components, and ensure that my expectations of them are very clear. I believe in accountability. Just as I would hope that you would hold me accountable, I will hold others accountable. But I also believe that we need to acknowledge successes.

What I would be led by are my principles of leadership: integrity, transparency, teamwork, and unity of effort. I would work with the men and women of DHS to ensure not only that they have the tools that they need, but that we consistently have the opportunity to audit, have internal controls, and hold them accountable.

Senator CARPER. Do you pledge to respond to all reasonable requests for information from Democrat and Republican, majority and minority Members of this Committee?

Ms. NIELSEN. Yes, you have my commitment.

Senator CARPER. Good. Talk to us about the reorganization or possible reorganization of the National Protection and Programs Directorate? I think there is a fair amount of agreement between you and me. Just talk about what your views are.

Ms. NIELSEN. Yes, sir. I know it has been said many times, so I will just say it quickly I do think that, should I be confirmed, I would very much appreciate an opportunity to work with you to change the name. It truly does confuse stakeholders. It eliminates some of the positive morale that comes from having a very clear mission statement, so I will leave it at that. I know we have talked about that and others have talked with you about it extensively.

Cyber is an operational mission. Other parts of critical infrastructure security and resilience today are operational missions. Any reorganization should take that in consideration and find the best way to balance those who should be at headquarters, if you will, in the National Capital Region and those who should be in the

field working directly with the owners and operators of critical infrastructure, the private sector, and, of course, our State, local, tribal, and territorial partners.

There is more that we can do. I do not know that we need to do it for any other reason than driven by the mission.

Senator CARPER. Good. Thank you.

I think I am the only Democrat I know that quotes Richard Nixon. Richard Nixon once said that the only people who do not make mistakes are people who do not do anything. I make a lot of mistakes. I have made a lot of mistakes in my life. I have learned probably as much from my mistakes as I have learned from the things that I have done well. Talk to us about a couple of your biggest mistakes and how you learned from them.

Ms. NIELSEN. Yes, sir. A couple of my biggest mistakes are, in general, I have learned to speak quickly, clearly, and repeatedly when I disagree with something that is being proposed as the best cause of action, the most effective way.

I also have learned repeatedly through a variety of experiences that policy cannot be made in a vacuum. It must be informed by those operators and by operational environments. There are many times when we all have had great ideas with policy hats on, but they are just not going to be implemented in a way that reaches the original intent.

I would also say that resources go hand in hand with any policies and strategies. Authorities must be looked at in terms of the best way to leverage them. There have been times when I have perhaps suggested that a new authority was needed from a policy perspective, only to find out upon further examination that there was authority, it just needed to be differently leveraged. I think doing that complete review before looking for additional authority is very important.

Senator CARPER. Richard Nixon would be pleased. Thank you.

Chairman JOHNSON. Senator Daines.

OPENING STATEMENT OF SENATOR DAINES

Senator DAINES. It is nice to hear you quoting Richard Nixon there, Senator Carper.

Senator CARPER. I have other Nixon quotes you would not be quite as fond of. [Laughter.]

Chairman JOHNSON. Can you do an imitation?

Senator DAINES. Well, I was quoting John F. Kennedy this week, too, so that is good. Good bipartisan quotes.

Ms. Nielsen, it is great to see you again.

Ms. NIELSEN. Thank you, sir.

Senator DAINES. Thank you for your service. Thank you for your willingness to continue serving our Nation as our Secretary of Homeland Security.

Regarding leadership, I think it is a fair question from Senator Carper. I will note that two prior Secretaries of Homeland Security both have Stated that you are a leader for our times in the letter that was submitted to the Committee, as well as a son of a four-star Marine that sat right there not too long ago, the fact that he put his full confidence in you to lead that organization working with him tells me a lot about his confidence in your leadership, and

I have a lot of confidence in Chief of Staff Kelly here, of picking great people to lead organizations. I am confident in your leadership abilities.

Ms. NIELSEN. Thank you, sir.

Senator DAINES. Ms. Nielsen, one of the greatest and under-told successes of this Administration has been the result of President Trump's signaling that the United States will enforce its laws. This has led to quantifiable improvements at DHS under the leadership of General John Kelly and then Secretary Kelly with you as his Chief of Staff. Apprehension rates for illegal Southwest Border crossings have dropped nearly 30 percent year to date compared to last year, and some months have seen over a 60-percent reduction. Drug seizures have increased by many measures, and morale has improved as well.

In your prehearing questionnaire, you stated border security was the highest priority from a risk perspective. As Secretary, how will you maintain this positive trajectory we have already seen, mitigating the risk and further securing our borders?

Ms. NIELSEN. Yes, sir, thank you. I would just offer I think deterrence plays a key part here, deterrence and partnership. When I was at DHS as Chief of Staff under then-Secretary Kelly, we had the opportunity to travel and meet with government officials in our southern neighbors and to tell them very publicly and to speak directly to their people in some cases, "Please do not take this dangerous journey. It is dangerous to you. It is dangerous to your children. You are putting your life in the hands of those who have no other concern for you than the money that they can take from you trying to smuggle you or traffic you across the border."

I think the constant communication with our partners is important. Deterrence is important, and the part of deterrence that I think General Kelly was very successful at is making very clear we will enforce our laws. It is vital that we do so. We will do so; should I be confirmed, I intend to do so.

We also need that mix on the border that you and I have talked about. It is not just people. It is not just physical barriers. But it is that technology, and it is the policies and procedures that enable us to sense and quickly respond. Something as seemingly as simple as a road along the piece of physical barrier enables us to actually monitor it and respond should a threat be able to get past.

There are a variety of things we can do in conjunction with State and local governments that I would plan on continuing.

Senator DAINES. I appreciate, too, your comments on the humanitarian side as it relates to what is going on as we are enforcing the law, what impact that is having on children, on vulnerable young men and young women, those coyotes that you mentioned.

Ms. NIELSEN. Yes.

Senator DAINES. When we see a four-legged coyote in Montana, we have a certain response that I will not talk about here. But let us just say I am grateful to see both the hard number results we are seeing coming off the Southern Border now through your leadership but, importantly, the softer area of helping these women and children and young people who would otherwise be very vulnerable to what happens when they are trying to make the crossing.

Ms. Nielsen, as we discussed, I spent 28 years in the private sector before I put a suit and tie up and came up to this Hill, 12 years with a global cloud computing company. We faced cyber threats daily, and we were delivering security for customers, many of which were Fortune 500 clients.

You also have an extensive background in cybersecurity. Recently, in Columbia Falls, Montana, the school district was hacked from overseas. They were using the stolen data of children and faculty to make very violent and very direct threats. Crimes of this nature surpass the authorities and the resources of State and local law enforcement, and we were very grateful for and dependent upon resources coming from the Federal Government to get to the bottom of this threat.

As the Secretary of Homeland Security, if confirmed, you will lead the whole of the government's cyber efforts. How will you work to make our citizens and their personal information safer from these worldwide attacks?

Ms. NIELSEN. Thank you, sir, and I did enjoy our extensive cyber conversation. Thank you for having that with me.

I think when we look at information, the threat has changed. I would, if I were sitting here, maybe even 10 years ago, talk a lot about confidentiality. Data breaches continue to this day, as you know, but what is perhaps more concerning is the ability of those who would do us harm through the Internet to change the integrity of that information or through ransomware and other tacks to make it not available.

What happened in the example that you gave was they both were able to get in, take the information, and then use it for a nefarious purpose. That is different than the more traditional criminal data breaches that we had been dealing with over the last 15 years, which still exist, but we have morphed now into a perhaps more dangerous area.

In particular, the integrity of information, whether we are talking about control systems or your blood type, my blood type, I would like it to be correct should I have a need to go to the hospital. Ensuring that we have integrity of information, we have the resilience built in, redundancy for key assets to include information becomes vital.

When I look at the way in which we have worked at the Department over the last 13 years, I think it has served us well to develop and create partnerships within the private sector, State and local governments. But what we need to do perhaps as the next step, the next evolution, is to look across sectors, across regions, and to really look at those critical assets and critical pieces of information that we need to ensure that we are protected. In my view, there is an enhanced Federal role in that protection.

Senator DAINES. Thank you. I am out of time. Another concern I have about where this is all headed is in the area actually of quantum computing and the fact that our Nation very likely may not be in the leadership position anymore in terms of that cutting-edge technology and the ability for perhaps others to break encryption. That threat that is over the next hill here is looming even closer as we speak.

I look forward to seeing you in Montana.

Ms. NIELSEN. Yes, sir.

Senator DAINES. I did not get a chance to talk about the Northern Border, but we have one, and we would love to take you up to the northern part of our State and take a look at what is going on there with our Northern Border. Thank you.

Ms. NIELSEN. It would be my pleasure.

Chairman JOHNSON. Thank you, Senator Daines. By the way, I share your concern that we are not potentially in the leadership position on quantum computing. It represents a real threat. That is something we need to keep our eye on.

We will start a second round. Senator McCaskill? I will continue to defer my questions until the end.

Senator MCCASKILL. I know that you were very involved in an after-action report on Hurricane Katrina when you worked in the Bush Administration. If confirmed, will you commit to a public after-action review of the Federal Government's response to Hurricanes Harvey, Irma, and Maria?

Ms. NIELSEN. Yes, ma'am.

Senator MCCASKILL. I want to talk just briefly about counterterrorism and the budget. There are pretty aggressive cuts in the budget. While we are dramatically increasing the funding for a border wall for immigrant detention and interior enforcement, it is severely cutting programs like the Visible Intermodal Prevention and Response (VIPR) teams, which are essential in our airports, cutting those teams from 31 down to 8; also, the Urban Area Security Initiative, which is very important in cities like New York, where we saw the terrorist attack recently; the State Homeland Security Program; the State Emergency Management Performance Grants; completely zeroes out the Law Enforcement Reimbursement Program that also serves our Nation's airports; completely zeroes out the Countering Violent Extremism Program; completely zeroes out the Complex Coordinated Terrorist Attack Program.

The total is \$582 million that have been taken out of these programs, and let me ask you first: Are you aware at this point whether New York City relied on any of these grant programs in their response to the deadly attack that occurred there recently?

Ms. NIELSEN. I do not have any doubt that they did.

Senator MCCASKILL. I would love for this Committee to get information, if you are confirmed, as to how many attacks in New York City have been prevented—because they have prevented a bunch of them—because of this funding and what role this funding played in their response to the recent attack.

Do you know of any rationale for cutting the VIPR teams so significantly knowing what has gone on in airports across the world?

Ms. NIELSEN. As I understand it, the determination was simple balancing of risk. There are a variety of threats, as you know, that TSA faces not just in aviation but also in maritime and mass transit land.

Senator MCCASKILL. Do you think there are metrics that have evaluated the risk on more wall versus the VIPR teams?

Ms. NIELSEN. I am not aware if that particular cost-benefit analysis has been conducted, but—

Senator MCCASKILL. Well, your predecessor admitted to us there has been no cost-benefit for the wall, none done. We are getting

ready to try to spend a gajillion dollars on something that there has been no cost-benefit done.

You are really good at metrics. I like you talking about metrics. We were discussing it informally up here. I would really like you to take a swing at the metrics of the programs that are being increased in terms of real risk to our country, in terms of homeland security, versus the programs that are being cut, because that is what the analysis should be. It should not be based on politics. It should be based on the metrics of risk. If that has occurred, frankly, it is going to surprise me. But if it has, I will be the first to admit, what you were willing to admit a moment ago, that I am making a mistake by asserting this has been done on the basis of politics rather than risk, and I will look forward to you getting back to me on that.

Ms. NIELSEN. Yes, ma'am. If I could just offer quickly, I think it has to be risk-based. I think that we fail when we do not look at risk across the Department—frankly, across the interagency, because there are other departments that play a role in homeland security. I could not agree more. It has to be risk-based, and it cannot be done in a stovepiped way.

Senator MCCASKILL. Yes, and it kind of dovetails with some of the questioning of my colleague in that we all—no one here wants you to do anything but prioritize people who are in this country illegally that are committing crimes. There is no argument there. There is no red shirt/blue shirt. There is no divide on that. But that is not what a lot of these resources are being used for right now. There are resources that are being expended that I do not think that analysis has occurred, and I am particularly worried as it relates to some of the funding that has really joined State and local law enforcement with the Federal responsibility of homeland security. The more we abandon those programs that knit us together, the more vulnerable we are going to be to an attack. I will look forward to you getting back to me on that.

I will yield the rest of my time.

Chairman JOHNSON. Thanks, Senator McCaskill.

Let me just chime in a little bit on risk-based because I think there is another component to that. It has to be risk-based, but also combined with are there effective solutions. If there is an easy solution for something that is a little bit lower risk, we also have to concentrate on that as well. It is kind of a two-part formula. Senator Harris.

Senator HARRIS. Thank you, and I join the issue with Senator McCaskill on those points about resources. Just as a point of emphasis on enforcement priorities, we discussed this earlier. But the previous Administration prioritized violent and serious crimes and any conduct that would pose a risk to national security. Do you agree that that should be the highest priority and with limited resources, certainly that is where the resources should go in terms of deportation and enforcement actions?

Ms. NIELSEN. Yes, ma'am.

Senator HARRIS. Thank you. You may be familiar with this case, but on October 24th, a 10-year-old girl by the name of Rosa Maria Hernandez was being rushed to a hospital in Corpus Christi for an emergency gall bladder surgery. Customs and Border Patrol offi-

cers stopped the ambulance and then followed it to the hospital. Immediately after Rosa Maria's surgery was over, she was arrested and taken away from her family. Current DHS policy prohibits enforcement actions at or near sensitive locations such as hospitals, schools, and churches unless prior approval is given or exigent circumstances exist. Despite this, Rosa Maria was apprehended at a hospital after her surgery was over.

If confirmed, do you commit to maintaining DHS's policy as it relates to sensitive locations?

Ms. NIELSEN. I do, and should any further clarification be needed, I would ensure that that occurs.

Senator HARRIS. In fact, I appreciate you making that point—I would urge you to actually issue guidance to the agents, if confirmed, that this policy exists and this type of thing should not happen again.

Ms. NIELSEN. I would, and in conjunction with the Commissioner and Director.

Senator HARRIS. Thank you.

In your questionnaire you stated that as DHS Chief of Staff, you had the job of overseeing 240,000 DHS staff and had resource-and budget-related decisionmaking authority and responsibility for the Office of the Secretary. Last week, the DHS Office of Inspector General issued its annual report on major management and performance challenges facing the Department. The report reads, "DHS often fails to update and clarify guidance and policies, ensure full and open communications between employees and management, offer sufficient training, and reduce administrative burdens. Our reports are replete with examples of insufficient training to enable and enhance job performance."

Have you read this report?

Ms. NIELSEN. Yes, I have.

Senator HARRIS. You are probably aware that the Inspector General issued a similar report last year?

Ms. NIELSEN. Yes.

Senator HARRIS. The obvious point there is that there seems to have been no improvement since last year. If confirmed, will you agree to report back to this Committee within the first 3 months on what you have put in place to correct course and, in particular, emphasize the importance of training the employees of DHS and clearly communicating policies with them?

Ms. NIELSEN. I will, and also, my other two big takeaways from that report were the needed continued focus on unity of effort and ensuring that we have internal controls as set by leadership. And, yes, I would be happy to.

Senator HARRIS. Having had the experience of running a law enforcement agency of almost 5,000 people as Attorney General of California, it is clear to me, based on my experience, that when you are running a large agency, you cannot run it just from the top down. It also has to be from the bottom up. That means clearly giving guidance and training in particular to the good men and women who have the authority, the power, and the responsibility to enforce our laws. There have been many nominees who have sat in that chair who have had varying levels of appreciation of that point. But I would like you to commit to this Committee that you

will prioritize training and clear communication and guidance to an agency of hundreds of thousands of people.

Ms. NIELSEN. Absolutely.

Senator HARRIS. Thank you.

At a June Senate Intelligence Committee hearing, the DHS Assistant Secretary for Cybersecurity and Communications asserted that DHS was developing a policy to help States secure their election systems. Just yesterday, as you know and you have mentioned, Virginia and New Jersey had elections. If confirmed, what is the timeline, particularly the deadline—and you and I talked about this in our meeting—for establishing and implementing a DHS policy?

Ms. NIELSEN. Yes, as you are aware, then-Secretary Johnson clarified that, in fact, election infrastructure is considered critical infrastructure under our partnership model. The Government Coordinating Council (GCC) has been created. Since we spoke, I have verified that it, in fact, is in existence today. It works closely with the Election Commission. It uses third-party certifiers of the requested State to certify the election infrastructure and then also provides a variety of other vulnerability assessments and other—so should I be confirmed, I would absolutely very soon upon confirmation ensure that we have reached out to all States and territories to ensure that they have what they need for local and State and Federal elections.

Senator HARRIS. Are you giving yourself a timeline or a deadline to accomplish that?

Ms. NIELSEN. I will give myself one, but I will also say to you I would like to make that deadline in conjunction with the State and local officials and would be happy to report to you what that is.

Senator HARRIS. Thank you. It has been reported that the Administration is moving forward on a policy that would lead to expedited removal of unaccompanied children who are arriving at the border, having fled incredible violence. If confirmed, will you please share with my office any policy memos that the Department is planning to implement affecting the processing of unaccompanied minors?

Ms. NIELSEN. Yes.

Senator HARRIS. Are you aware of the Administration's policy shift in that regard?

Ms. NIELSEN. What I am aware of is that expedited removal, as you know, is limited in most cases to those who are from, rather, Canada and Mexico. I understand there is an attempt to work with Congress to ensure that, when appropriate, anybody who comes with an illegal entry can be—if they are appropriately in a situation where they need to be deported, to do so in an expedited way to save them from being detained in our country. But I am not familiar with any particular policy papers or other descriptions.

Senator HARRIS. You are aware, though, that the unaccompanied minor issue, as it has been playing out in the last few years, is not about the children of Mexico or Canada; it is about Central American countries and, in fact, the five top murder capitals of the world.

Ms. NIELSEN. Yes, ma'am.

Senator HARRIS. OK. Are you aware of a shift in the Administration's policy as it relates to those children?

Ms. NIELSEN. To anybody from other countries that illegally enter, including those children, yes.

Senator HARRIS. What is the shift of the policy?

Ms. NIELSEN. The shift in policy, as I understand it—and, again, should I be confirmed, I would definitely dive into the policy papers and descriptions. But as I understand it, the concern is that right now the system is such, due to a variety of other factors, that when somebody does come in illegally, they are detained, and sometimes they are detained for quite a long period of time, as you know.

Senator HARRIS. I am running out of time, so I just want to ask you one more question. Do you agree with a policy that would expedite deportation of unaccompanied minors who are coming from those Central American countries?

Ms. NIELSEN. I believe in reuniting children with their families. If their families are not here—

Senator HARRIS. Then are you saying you would deport those children to reunite them with their families who have actually put those children in a process of fleeing violence and they want those children to be safe and in the United States?

Ms. NIELSEN. Well, in that case I would certainly want to work with you to understand more about the implications.

Senator HARRIS. Thank you.

Chairman JOHNSON. Senator Hassan. Again, I will apologize for getting out of order.

Senator HASSAN. It is all fine, and I appreciate it very much. I appreciate the chance to have a second round of questions.

Ms. Nielsen, I just wanted to start by expressing my concern about your answer to one of Senator Carper's questions about climate change. When you are in charge of our country's security, when you are in charge of our response to natural disasters, you need to be able to rely on science and technology and consider and assess the science and technology that you are being advised with objectively and put it well before politics. What I heard in your answer was politics before science, and that concerns me very much.

As Governor of the State of New Hampshire, when we were dealing with natural disasters, one of the first things we did was have the National Weather Service from Gray, Maine, on the phone advising us as to what we were going to see, what we were going to be dealing with. In dealing with security measures, I had to rely on engineers and technologists about the power of certain kinds of responses to possible threats.

Just consider this a concern expressed by me that if you are willing to dodge a question when 99 percent of the world's scientists agree that the primary cause of climate change is human activity, that concerns me about your qualifications to take on this role.

Ms. NIELSEN. Could I just answer that, if I could?

Senator HASSAN. Of course, yes.

Ms. NIELSEN. Unfortunately, I was cutoff from Senator Carper as well. What I would have said is that not only do I think the climate is changing, but I think it is vital that we in response change our modeling, our preparedness, and responses. Climate has a direct effect on natural disasters.

Senator HASSAN. Of course it does. But if you are unwilling to acknowledge that the primary cause of it is human behavior, then you are not going to be able to change the modeling appropriately. What we are looking for is people who are willing to acknowledge that there is a huge and incredibly well vetted peer-reviewed science that tells us that climate change is primarily caused by human activity. One of my concerns, as many, should you be confirmed, of your fellow Cabinet members are also people who will not acknowledge the primary cause of climate change, and they are often the people who would be advising you in times of considerable natural disaster and threat. They are not willing to listen to science either.

I am going to move on to the question that I wanted to ask in this second round, but just hope that you might educate yourself about what science says about climate change and the primary cause of it.

Ms. NIELSEN. You have my commitment, should I be confirmed, to review the science. Yes, ma'am.

Senator HASSAN. Our country's safety really does depend on that.

Now, on to election security, I wanted to follow up on Senator Harris' line of questioning, because according to a Newsweek report from early October entitled, "Russians still have an open path to U.S. election subversion," DHS's high-level outreach teams, known as the Government Coordinating Council, which I think is what you were just referring to, are only just now reaching out to States to assess their election cyber needs. Mr. Chairman, I would like to submit this article for the record,¹ without objection.

Chairman JOHNSON. Without objection.

Senator HASSAN. It seems that you just confirmed what this article said, which is that DHS has only started to reach out to States' chief election officials within the past few weeks.

We are more than a year past Russia's hack of our election. We just had gubernatorial elections in two States yesterday, and we are just months away from the 2018 election cycle. Why did it take so long for DHS to establish this Government Coordinating Council? What actions did you take as DHS Chief of Staff to help accelerate the establishment of this Council?

Ms. NIELSEN. Thank you for the question and for the opportunity to clarify. DHS, as I understand it, has been working with States for many months, 14 or 15—

Senator HASSAN. My understanding is they have just started now to reach out to the chief election officers, which is an absolutely critical step.

Ms. NIELSEN. I do not believe that is correct, respectfully, in my understanding. When I was at DHS, we ensured that, following on the work that Secretary Johnson did, we established what is called a subsector, sub-tech Sector Coordinating Council, which is primarily the private sector side, if you will, also has some government folks on it. The GCC is a very specific sister part of that partnership model. That was recently stood up in conjunction with a commission that is really focused on third-party certification of the infrastructure, not the vulnerability, not the monitoring, not the threat and information sharing, which has been occurring since at least prior to January.

Senator HASSAN. OK. Then I hope you will read this article, and we will have further discussions about it. My concern is whether, in fact, election security is really a priority for this President, and—

Ms. NIELSEN. It must be.

Senator HASSAN. Did you do anything in the White House to accelerate preparations to make sure that our election cyber systems were secure?

Ms. NIELSEN. Only from a policy perspective. Again, I did not have any command or control or any assets at my disposal in my White House job. But, yes, ensure that the policy process addressed any risk that we face today.

Senator HASSAN. Are you comfortable that our States will be able to defend against Russia's hacking efforts in the 2018 cycle?

Ms. NIELSEN. I would like to be in a place where I can answer that in the affirmative, should I be confirmed. I cannot answer that now. I do not know. I certainly hope so. That should be the goal. We should work and use everything we can to ensure that that does not occur.

Senator HASSAN. It is a priority of yours to ensure that the absolute bedrock of our democracy is protected before our 2018 elections take place?

Ms. NIELSEN. Yes, ma'am.

Senator HASSAN. We have your commitment, if necessary, to ask for additional funding, to ask for additional resources, to work with the States to ensure that when people go to the polls—and remember that there is early voting in many States—they can be confident again that the election systems in each and every State are secure.

Ms. NIELSEN. We must do it in partnership, yes.

Senator HASSAN. Thank you. I yield my time.

Chairman JOHNSON. Thank you, Senator Hassan. By the way, I would love to work with you and other Members, because the issue has been raised a number of times, in terms of the resiliency models we are using, to design a hearing to look at that. One question I would certainly want to have on the table during that hearing, though, is if we spend literally billions if not hundreds of billions of dollars trying to address this science and this problem, what kind of bang for the buck do we get? Again, I would love to work with you on designing a hearing to elicit that kind of information.

But let me start, Ms. Nielsen, with my questions kind of down that same path. Last week we held a hearing with FEMA Director Brock Long, who I really do believe acquitted himself well, I think, throughout this process, including the hearing, with the unprecedented disasters he was faced with after 172 days on the job. Obviously, government has learned a lot of lessons from Hurricane Katrina, but one of my concerns—and I had a poster out there, produced, I believe, by the Heritage Foundation, showing the dramatic increase in the number of FEMA-declared disasters.

I am concerned about the moral hazard, the reliance of State and local officials on the Federal Government to not only respond but also to understand exactly what the risks are when I think that is primarily a State and local responsibility. I think this is the question I have for you. You talked about the partnership model. Who

really is primarily responsible for the response to natural disasters? What is FEMA's and DHS's role from that standpoint? What is your understanding of that?

Ms. NIELSEN. Thank you, sir. I would like to answer two different ways.

First, I believe that the primary responsibility is of the State, local, tribal, and territorial governments. They are there. They are on the ground. They know their community. They know their vulnerabilities the best.

Upon request, however, it is the role of the Federal Government to provide assistance. That can be in the form of funding from the Disaster Relief Fund. That can be in the form of personnel and additional surge capacity, if you will. It can also be in training and exercises and other preparedness activities pre-hazard.

In terms of the bang for the buck part of the question, I think we really need to relook at it. It is not really a question of eliminating or limiting what it is that we are providing overall, but ensuring that we are doing it in the right way in partnership with State and local governments.

Perhaps there are some grants on the front end that can help them capacity-build. Perhaps there are other ways in which we can distribute money after an event to ensure that it is spent effectively and efficiently.

Chairman JOHNSON. It seems to me, after Hurricane Katrina and following other disasters, we have certainly learned that different State and local governments are better prepared than others. I think that is a pretty important assessment, quite honestly, that FEMA and the Department of Homeland Security go through to try and identify and maybe point out to States there are some best practices in other States that you might want to follow.

Having been involved with Hurricane Katrina and certainly the after-action report on that, what were the lessons, what were the primary lessons learned from Hurricane Katrina? What lessons have been learned from previous disasters that I really do believe set us up to respond and pre-plan from the last round of hurricanes?

Ms. NIELSEN. Overall, what I would say is I think all of these major disasters have shown us, given their size and scope, that our plans have to be scalable and they have to be agile. Unfortunately, as you always hear in a DOD and military construct, a plan rarely survives first contact, and the reason for that is because it is always contextual in terms of the given consequences of any given storm. The unity of effort concept I believe in strongly. It needs to be presented in a way that all parties understand their roles and responsibilities, but also understand those roles and responsibilities could be different given the size and scope of the storm.

Certainly, in Hurricane Katrina what we saw is we needed to do more ahead of time. We need to pre-position more. We needed to ensure that those contracts that Senator McCaskill mentioned before were in place prior to an event so that we were not trying to contract last minute. The roles and responsibilities needed to be very clear. When was it appropriate for the National Guard to be included? When was it appropriate for active-duty forces to be utilized as part of a mission assignment?

A lot of it was just learning the lesson that, when something is that big and the scope is that complete and the local government, as you mentioned, in that case was incapacitated, what is the additional Federal role and how best can we support?

Chairman JOHNSON. Ms. Nielsen, we have had a number of questions about the wall. I would refer you, by the way, as we are designing the prototypes—I was in Israel, and they responded with, I think, about a 140-, 150-mile wall, built it at \$2.9 million per mile. Pretty effective, a number of the components of that, but that would be a pretty good model just to take a look at as a prototype.

We were together at the Southern Border in San Diego. One of the things I was struck by was the almost unanimous viewpoint of immigration judges about how over time, based on precedents, often precedents decided by the Ninth Circuit, we really have picked holes in our immigration laws that create the incentive for illegal immigration. I am all for better barriers where they are needed, but I think we really do need to address the incentives created in our laws, in our precedents.

Can you speak to that issue?

Ms. NIELSEN. Yes, sir. It is something that I have actually had the pleasure of speaking about in various capacities with the Attorney General and other State and local law officials such as those in San Diego. The law has to be clear not only for us to be able to enforce it, but to serve as a deterrent. The more that, unfortunately, there are picking-aways, if you will, either through discretion or through application or through backlogs or through the lack of immigration judges, we disable ourselves from not only enforcing the law, but to getting the effect that the law was meant to provide to begin with.

Certainly should I be confirmed, I look forward to having those conversations with the Attorney General, understanding the need for immigration judges to quickly and competently enforce our laws on that part of the system, and to work with State and locals to see what is working and not working at their level.

Chairman JOHNSON. I look forward to working with you. I know as we are trying to solve the whole issue of DREAMers, from my standpoint the humane thing is to stop the flow of children coming in, stop incentivizing them to take that very dangerous journey on a train they call “The Beast” and subject themselves to all types of horrors.

Again, I want to thank you for your past service and for your willingness to serve. As Senator Lankford pointed out, this confirmation process is not particularly fun, and as former Secretaries as well as I said in my opening statement, you are agreeing to step into the position with a very daunting task. But I think at this hearing you have shown yourself to be very knowledgeable. You have a great deal of relevant experience, and as a result, I think you are very well qualified for this position. Again, I thank you for your willingness to serve.

The nominee has made some financial disclosures and provided responses to the biographical and prehearing questions submitted by the Committee. Without objection, this information will be made part of the hearing record,¹ with the exception of the financial

data, which are on file and available for public inspection in the Committee's offices.

Chairman JOHNSON. The hearing record will remain open until noon tomorrow, November 9th, for the submission of statements and questions for the record. However, if Members wish to receive responses to their questions from Ms. Nielsen prior to an anticipated Committee vote on this nomination tomorrow, they must submit questions for the record by 5 p.m. today.

This hearing is adjourned.

[Whereupon, at 12:25 p.m., the Committee was adjourned.]

A P P E N D I X

Opening Statement of Chairman Ron Johnson

Nomination Hearing to Consider Kirstjen M. Nielsen to be Secretary, U.S. Department of Homeland Security

November 8, 2017

America is facing enormous challenges. Our national debt exceeds \$20 trillion, and there is no serious effort being made — by either party — to significantly reduce the 30-year projected deficits that are currently expected to exceed \$100 trillion.

Our enemies are on the rise. Russia continues to destabilize its neighbors, and has partnered with Iran to increase both countries' influence in the Middle East. The Iranian Nuclear Agreement did modify Iran's behavior — for the worse. North Korea remains determined to develop the capability to target the United States with nuclear weapons. And the threat of Islamist terrorism has evolved, metastasized, and spread all over the world — including to our Homeland.

The challenges facing the next Secretary of the Department of Homeland Security are equally daunting.

We have just experienced unprecedented destruction caused by three hurricanes and multiple wild fires. DHS and FEMA, together with their budgets, are already stretched thin responding to these disasters.

As the use of the internet increases, so do the threats posed by social media inspired acts of terrorism, hacking and cyberattacks.

This committee has held more than 20 hearings laying out the sad reality that our borders are far from secure. As a result, illegal immigration persists, illicit drugs flow virtually unabated, and we are more vulnerable than we should be to external forces.

Unfortunately, enemies from within may currently pose the greatest danger. Five years ago, on August 5, 2012, evil struck in Oak Creek, Wisconsin when six worshipers were murdered at a Sikh temple. Since then, the list of mass killings has persistently and depressingly grown:

Dec. 14, 2012: 26 killed, two wounded at an elementary school in Sandy Hook, Connecticut.

April 15, 2013: Three killed, 264 wounded in a bombing at the Boston Marathon.

Sept. 16, 2013: 12 killed, eight wounded at the Navy Yard in Washington, D.C.

April 2, 2014: Three killed, 12 wounded at Fort Hood, Texas, five years after an even deadlier shooting that took 13 lives and injured more than 30 others.

April 13, 2014: Three killed at a Jewish community center in Overland Park, Kansas.

May 23, 2014: Six killed, 14 wounded near the campus of the University of California, Santa Barbara.

May 17, 2015: Nine killed, 18 wounded in a motorcycle gang fight at a restaurant in Waco, Texas.

June 17, 2015: Nine killed, one wounded at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.

July 16, 2015: Five killed, two wounded at a military recruiting center and a Naval Reserve center in Chattanooga, Tennessee.

Oct. 1, 2015: Nine killed, nine wounded at the Umpqua Community College in Roseburg, Oregon.

Nov. 27, 2015: Three killed, nine wounded outside a clinic in Colorado Springs, Colorado.

Dec. 2, 2015: 14 killed, 24 wounded at a Christmas party in San Bernardino, California.

June 12, 2016: 49 killed, at least 68 wounded at the Pulse nightclub in Orlando, Florida.

July 7, 2016: Five police officers killed, eleven wounded near a parking garage in Dallas, Texas.

July 17, 2016: Three police officers killed, and three more officers wounded at a shopping plaza in Baton Rouge, Louisiana.

Jan. 6, 2017: Five killed, six wounded at the airport in Fort Lauderdale, Florida.

Oct. 1, 2017: 58 killed, 546 wounded at a music festival in Las Vegas, Nevada.

Oct. 31, 2017: Eight killed, 12 wounded along a bicycle path in New York City.

Nov. 5, 2017, last Sunday: 26 killed, at least 20 wounded in the First Baptist Church in Sutherland Springs, Texas.

That evening, my 34 year-old daughter asked me the questions we are all asking ourselves: "What's happening? Why? What can we do about it?"

Those are the questions the next DHS Secretary will be asked to address. It is not an easy task. The Department of Homeland Security employs approximately 240,000 people and manages a budget of \$66 billion. It's a department created by fusing 22 separate agencies with diverse missions. The result has been a department that has struggled to unify its efforts and manage a workforce with habitually low morale relative to other federal agencies.

Fortunately, when Ms. Nielsen served under Secretary Kelly, she witnessed firsthand how quickly and dramatically morale can be improved within DHS by providing its workforce the authority and support they need to perform the tasks they were hired to do.

In my conversation with General Kelly, he called Ms. Nielsen a superstar. I have received a letter of endorsement from former DHS Secretaries Tom Ridge and Michael Chertoff, as well as a letter from 40 former White House and homeland security federal officials. I ask consent that these letters be entered in the record.

Ms. Nielsen, I thank you for your past service and your willingness to serve in the future.

I look forward to your testimony.

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Nomination of Kirstjen M. Nielsen to be Secretary, U.S. Department of
Homeland Security**

November 8, 2017

Ranking Member Claire McCaskill

Opening Statement

Thank you Mr. Chairman, I appreciate you holding this hearing and I want to thank the nominee for her willingness to serve.

Today we convene to perform one of our most important constitutional functions – to provide advice and consent for the President’s nominees for senior positions in our government. On October 16, 2017, President Trump nominated Ms. Nielsen to lead the Department of Homeland Security. The agency’s mission is to ensure that our homeland is safe, secure, and resilient against terrorism, natural disasters, and other hazards facing the nation.

Recent events have only reinforced the need for the Department of Homeland Security to have strong permanent leadership. American citizens in Texas, Florida, Puerto Rico, the Virgin Islands, and other regions have had their lives and livelihoods upended by hurricanes. Out west, raging wildfires have forced thousands of families from their homes. Record-breaking floods have ravaged communities across my home state of Missouri. And just last week, New York City suffered its most deadly terrorist attack since 9/11. In times of crisis, the

American people come together. DHS plays a critical role in ensuring that the federal government supports that effort.

If confirmed as Secretary, Ms. Nielsen will lead the third largest department in the federal government, oversee a workforce that includes more than 240,000 employees and contractors, and coordinate 22 separate components including Customs and Border Protection, Immigration and Customs Enforcement, Transportation Security Administration, U.S. Citizenship and Immigration Services, the Federal Emergency Management Agency, the Coast Guard, and the Secret Service.

While I was already aware of Ms. Nielsen's intellect and work ethic as well as her expertise in cyber security and preparedness, I appreciated the chance to discuss the other qualities she would bring to DHS in our meeting yesterday. My hope is that today's hearing will explore some of the challenges currently facing DHS and that will confront her if confirmed. For example, I look forward to learning how Ms. Nielsen plans to improve the Department's counterterrorism capabilities despite the dramatic cuts included in the President's budget. I want to know what steps Ms. Nielsen will take to stop the illegal flow of drugs and contraband through our ports of entry. I would like to hear how Ms. Nielsen has and will apply lessons learned from Hurricane Katrina and recent disasters to improve oversight of DHS contracting practices in crisis situations. I also hope

that Ms. Nielsen will share her priorities for counteracting violent extremism and for protecting our cyber and election infrastructure from foreign actors.

Perhaps most importantly, I want to learn about the management experience and philosophy that Ms. Nielsen plans to bring to DHS. No one that's served as DHS Secretary has had perfect knowledge of the breadth and depth of issues facing the department. But the DHS Secretary must have the leadership and management skills to lead a complex and sprawling enterprise on day one. I hope that Ms. Nielsen will discuss her strategies for promoting collaboration and efficiency among the various components within the agency and with other federal partners. I also want know how Ms. Nielsen will build employee morale and ensure that whistleblowers can come forward to management, Congress and the Inspector General to report waste, fraud and abuse, without fear of retaliation.

Finally, I hope to receive a public commitment from Ms. Nielsen that DHS will comply with oversight requests from all members of this Committee, including several of mine that remain outstanding. Ms. Nielsen's predecessor, General John Kelly, was willing to speak frankly, even if his message was not one that would be particularly well received. Under his leadership DHS was willing to answer requests for information from both the majority and the minority—and, while not perfect, was far more responsive than other Departments. We have a constitutional duty to perform oversight of the Department, and I would like to

continue and improve upon the cooperation that General Kelly showed to the majority and minority members of this Committee.

The Department of Homeland Security is comprised of thousands of talented and dedicated Americans who work every day to keep us safe. They develop and implement counterterrorism and cybersecurity policy. They defend our border and ports of entry. They administer our immigration laws, protect of our national leaders and critical infrastructure, and execute disaster preparedness and response.

We must continue to ensure that these public servants have the support necessary to succeed in their mission and I look forward to working with Ms. Nielsen in that effort should she be confirmed as our nation's sixth Secretary of Homeland Security.

Thank you, Mr. Chairman.

Senator Rob Portman
Opening Statement
Nomination of Kirstjen M. Nielsen to be Secretary, U.S. Department of Homeland Security

Thank you, Mr. Chairman. I appreciate you and Senator McCaskill giving me the privilege of being able to introduce the nominee today. Kirstjen Nielsen, as was just said by my colleague Senator Rubio, is so qualified for this job. I must say, Mr. Chairman, that when you laid out the challenges we face—it's sobering, and we need to have somebody with the experience and the qualifications that she has, and we need that right now.

Before commenting further on her distinguished career and qualifications, I do want to take a moment to acknowledge fellow Ohioan and Acting Secretary Elaine Duke for her service. She took over the secretary duties at a challenging time and has displayed leadership and dignity. I know she has worked closely with you, Mr. Chairman, the Ranking Member, and others.

Kirstjen is not a native Ohioan like Ms. Duke, but I am equally excited to introduce her this morning. We served concurrently at the White House in the George W. Bush administration where she was a trusted hand in the formative years of the Homeland Security Council as senior director for prevention, preparedness, and response. I saw a decade ago a professional dedicated to public service and the mission of securing the homeland, just as I see that today in her actions more recently at Homeland Security and at the White House. I'm delighted again that she is stepping forward to take on this responsibility.

I appreciated the opportunity to sit down with her a couple of weeks ago to hear about her priorities for the Department of Homeland Security. It sounds like you all have done the same thing. It's exciting to have someone with her energy and enthusiasm, work ethic was mentioned by Senator McCaskill, and again her qualifications to do this. She has this Hill experience we talked about a moment ago, and she also has private sector experience in the area of homeland security. I think most importantly, perhaps, she is the first Department of Homeland Security nominee with previous experience at DHS. I think that is important given the serious challenges you just described for us, Chairman Johnson.

With this homeland security expertise and experience from those transformative years for the Department and at the White House, her industry and homeland security consulting experience, and her most recent roles in this administration, she will be the kind of experienced and capable leader we need now in this ever-evolving threat environment that we find ourselves in.

Most recently, of course, she served as the Chief of Staff to former-Secretary John Kelly. She proved herself in the early stages of the administration transition and saw firsthand the challenges of managing this diverse and sprawling agency. Senator McCaskill is right, it's a management challenge. She has seen firsthand those challenges.

Throughout her career in government and the private sector, she has developed extensive experience in homeland security strategy, cybersecurity, transportation security, and emergency resilience. She speaks regularly about the need for resilience in our homeland security posture, and I think that is incredibly important for the next secretary.

Mr. Chairman, you noted in your opening comments that the committee received written introductions for this hearing from former DHS Secretaries Tom Ridge and Michael Chertoff. I know both regret that they could not be here today in person, as does General Kelly, to endorse Kirstjen's nomination. These leaders know what this job entails. If I may, I'd like to just briefly read a couple of excerpts from their letters about what they said about Kirstjen.

Kirstjen, according to Secretary Ridge, "has been engaged in counter-terrorism, all-hazard risk mitigation, critical infrastructure protection and response policy from the earliest days of what we now know as Homeland Security. She brings operational experience as well, having managed the day-to-day operations of the Department. She has since served as the Principal Deputy Chief of Staff at the White House charged with coordinating the interagency policy making process at the highest levels with the secretaries and deputy secretaries. Simply put, she is ready to hit the ground running day one." That's from Secretary Ridge.

From Secretary Michael Chertoff, he said this: "she played a key role then helping lead the lessons learned efforts post-Katrina informing and changing the way we have dealt with disaster preparation and response ever since. Kirstjen is a homeland security leader for our times. More than any previous secretary, she understands the 21st Century challenges of the borderless cyber domain and has worked in both the public and private sectors to address this deeply interconnected and consequential risk to America's national security and economic stability. Kirstjen Nielsen offers our nation the credentials required of the Secretary of Homeland Security in today's environment: expertise in homeland security policy and operations; national and international perspective, and; public and private sector experience in the mission space."

Mr. Chairman, I echo those strong sentiments about Kirstjen myself. I believe that her work ethic, her experience, and her leadership is what's needed at Homeland Security, and needed now.

I am sure we will have a fruitful discussion with the nominee today. I look forward to asking her a few questions myself.

I hope we can move this nomination quickly out of the committee and through the Senate so we can get her to work as the next Secretary of Homeland Security at a critical time.

**Statement of Ms. Kirstjen Nielsen
Before the
U.S. Senate Homeland Security and Governmental Affairs
Committee
On Her Nomination to Serve as
Secretary of the Department of Homeland Security
November 8, 2017**

Mr. Chairman, Ranking Member McCaskill, and distinguished Members of the Committee: it is an honor to appear before you today as you consider my nomination to lead the Department of Homeland Security. I am humbled and grateful to the President for the trust he has placed in me to lead DHS during such a critical time.

I also want to thank Senators Rubio and Portman for their kind words and introductions. Thank you to former Secretaries Ridge and Chertoff for their statements- it was an honor to serve and work with you and I look forward to your continued leadership and stewardship of our homeland security enterprise. Finally, I want to thank former Secretary, now Chief of Staff, General Kelly for his leadership, example and 46 years of steadfast service to our nation.

Please allow me to take a moment to introduce the members of my family who are here with me today. My dad, James, my brother, Fletcher, my sister, Ashley, my aunt and uncle, Mary Ellen and Trevor Burton and my cousin Andrew Bragg. I was raised to believe in our country and its founding principles and ideals; to serve our country; and to appreciate and be thankful every day for the freedoms we hold dear as Americans. I am beyond grateful for the values they have instilled in me and their unwavering love and support throughout my life. Thank you for your continued encouragement and for traveling so far to be here.

If confirmed as the sixth Secretary of Homeland Security, it will be the greatest honor of my life to again work with and support the remarkable men and women of the Department of Homeland Security who put it all

on the line every day to secure the Homeland. I can't say enough about the incredible work of the people of DHS many of whom put their lives on the line daily to ensure the safety and security of our nation.

Over more than two decades, I have dedicated my career to working on homeland security issues. In both the public (legislative and executive branches) and private sectors, I have utilized my knowledge of homeland security policy, strategy, and operations, as well as my expertise in risk and resilience, cybersecurity, critical infrastructure protection, and emergency management to help make our nation more secure.

After working on transportation, defense, and government affairs issues and legislation for Senator Connie Mack, I practiced corporate transactional law during which time I learned how private sector company operations are directly affected by organizational structures and delineation of roles and responsibilities. My service in the executive branch began in 2002 at the Transportation Security Administration. At that time, TSA was still part of the Department of Transportation and the formation of DHS was being contemplated. It was an honor to work alongside the countless public servants who stood up TSA and tackled the tough security challenges we faced after the attacks on September 11th and who later helped to stand up the Department of Homeland Security.

I was subsequently commissioned by President Bush to serve as a Special Assistant to the President for Homeland Security and Senior Director for Prevention, Preparedness, and Response. Charged with interagency policy development and coordination, I led the development of new national strategies and policies, articulating the roles of all levels of government and the private sector in protecting our nation's critical infrastructure and in strengthening our information sharing. During this time the Nation experienced the devastation of the Gulf Coast that resulted from Hurricane Katrina. Based on the lessons identified from the response to Hurricane Katrina, I led the update and revisions to our

disaster response plans to strengthen our efforts moving into the future. I worked with Congress to draft the Post Katrina Emergency Management Reform Act, and co-authored the White House Katrina lessons learned report. As we've seen again during this year's devastating hurricane season, DHS plays a crucial role in disaster preparedness, mitigation, response and recovery working closely with public and private sector partners. I have worked closely with all facets of our emergency preparedness community, and should I be confirmed, look forward to helping to ensure our nation's resilience to natural disasters, terrorist attacks and other major emergencies.

While each aspect of the Department's mission is important, I believe one of the most significant for our nation's future is cybersecurity and the overall security and resilience of our nation's critical infrastructure. The scope and pace of cyberattacks against our federal networks and the control systems that run our critical infrastructure are continually increasing, with attacks growing evermore complex and each more sophisticated than the last. Cyber criminals and nation states are continually looking for ways to exploit our hyperconnectivity and reliance on IT systems. My cybersecurity experience in both the public sector, having chaired the first White House Policy Coordination Committee on cybersecurity, and the private sector, advising government and non-government officials on the development and execution of strategies to mitigate risks and enhance the resilience of our critical infrastructure has prepared me well for the multi-faceted challenge that is increasing our resilience to cyberattacks. I look forward to working with experts at the Department, and within the interagency and the private sector to thwart threats, protect our networks and essential functions and secure our nation's interests in cyberspace.

At the start of the current administration, I also had the honor of serving as Chief of Staff at DHS under then-Secretary Kelly. During that time, I worked closely with state and local officials, cabinet secretaries, foreign partners, and members of Congress on *all* of the issues that DHS faces. I had the opportunity to develop strong working relationships with current

DHS leadership, and helped to develop many of the Department's current key priorities and strategies.

Our nation is facing a complex threat landscape that is constantly evolving. The threats we face are too many and too varied for any one entity to address them successfully alone. I understand the risks and the resulting challenges the Department is tasked with resolving and I am eager to get to work with all of DHS' partners – domestic and international from all sectors- to find solutions. From my experience at TSA in the early 2000s, to my time in the private sector supporting the homeland security enterprise, I have gained a vast understanding of the Department, its components, and the many challenges it faces.

If confirmed I pledge to continue the record of exceptional leadership that General Kelly and Acting Secretary Duke have established at DHS. I vow to the men and women of DHS, to you, and to the hundreds of millions of Americans who rely on DHS every day, to work tirelessly to effectively execute each mission at the Department of Homeland Security. I will work every day to enforce our laws; secure our borders, coasts, and waterways; and protect Americans from dangerous criminals, terrorists, cyberattacks, and the other threats facing our homeland. I also pledge to work every day to give the dedicated men and women of the Department the support, tools and resources they need, and deserve, to carry out their difficult- and often dangerous- missions.

Thank you again for the opportunity to appear before you today. Should I be confirmed, I look forward to partnering with the Committee and the full Congress to protect and secure our homeland.

I look forward to answering the Committee's questions.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Secretary of Homeland Security	10/16/2017

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Kirstjen	Michele	Nielsen	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 1600 Pennsylvania Ave NW		
<u>City:</u> Alexandria	<u>State:</u> VA	<u>Zip:</u> 22314	<u>City:</u> Washington	<u>State:</u> DC	<u>Zip:</u> 20500

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Maiden Name</small>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1972	Colorado Spring, CO

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married	Married	Separated	Annulled	Divorced	Widowed
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Spouse's Name (current spouse only)</i>			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix

<i>Spouse's Other Names Used (current spouse only)</i>						
First Name	Middle Name	Last Name	Suffix	Check if Maiden Name	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix

2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)		<u>Degree</u>	<u>Date Awarded</u>
			Est <input type="checkbox"/>	Present <input type="checkbox"/>		
Georgetown University	School of Foreign Service	08/1990 Est <input type="checkbox"/>	05/1994 Est <input type="checkbox"/>	Present <input type="checkbox"/>	BA	05/1994
University of Hawaii	Summer classes at East West Institute	05/1992 Est <input type="checkbox"/>	07/1992 Est <input type="checkbox"/>	Present <input type="checkbox"/>	none	
Nanzan University	Center for Japanese Studies (study abroad)	09/1992 Est <input type="checkbox"/>	12/1992 Est <input type="checkbox"/>	Present <input type="checkbox"/>	none	
University of Virginia	School of Law	08/1996 Est <input type="checkbox"/>	05/1999 Est <input type="checkbox"/>	Present <input type="checkbox"/>	JD	05/1999

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other)	<u>Name of Your Employer/Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
Non-Government Employment	The Limited, Inc.	Salesperson	Clearwater, FL	01/1990 <input type="checkbox"/> Est	07/1990 <input type="checkbox"/> Est
Non-Government Employment	Margus Enterprises	Staff	Clearwater, FL	06/1990 <input type="checkbox"/> Est	07/1990 <input type="checkbox"/> Est
Non-Government Employment	Boogie's Diner	Waitress	Washington, DC	10/1990 <input type="checkbox"/> Est	10/1990 <input type="checkbox"/> Est
Non-Government Employment	Campus Computers, Inc.	Campus director	Washington, DC	09/1991 <input type="checkbox"/> Est	11/1991 <input type="checkbox"/> Est
Non-Government Employment	DCM Group	Political research analyst	McLean, VA	02/1991 <input checked="" type="checkbox"/> Est	05/1992 <input checked="" type="checkbox"/> Est
Non-Government Employment	U.S. Telecommunications Training Institute	Intern	Washington, DC	01/1992 <input type="checkbox"/> Est	05/1992 <input type="checkbox"/> Est
Non-Government Employment	Moose McGillycuddy's	Waitress	Honolulu, HI	05/1992 <input type="checkbox"/> Est	07/1992 <input type="checkbox"/> Est
Non-Government Employment	Meijio Junior School	English teacher	Nagoya, Japan	09/1992 <input type="checkbox"/> Est	12/1992 <input type="checkbox"/> Est
Non-Government Employment	American Bar Association (ABA) International Law & Practice Section	Intern	Washington, DC	05/1993 <input type="checkbox"/> Est	08/1993 <input type="checkbox"/> Est
Non-Government Employment	ABA Standing Committee on Law and National Security	Intern	Washington, DC	05/1993 <input type="checkbox"/> Est	08/1993 <input type="checkbox"/> Est
Non-Government Employment	Jamie Wilson for Florida State Senate	Campaign manager	Clearwater, FL	08/1994 <input type="checkbox"/> Est	10/1994 <input type="checkbox"/> Est
Non-Government Employment	Friends of Charlie Crist	Campaign staff	St. Petersburg, FL	10/1994 <input type="checkbox"/> Est	11/1994 <input type="checkbox"/> Est
Non-Government Employment	Fish Market	Waitress	Alexandria, VA	11/1994 <input type="checkbox"/> Est	01/1995 <input type="checkbox"/> Est
Non-Government Employment	Powell Tate	Intern	Washington, DC	01/1995 <input type="checkbox"/> Est	01/1995 <input type="checkbox"/> Est

Federal employment	U.S. Senate – Senator Connie Mack	Legislative Correspondent	Washington, DC	01/1995	Est □	08/1996	Est □
Non-Government Employment	Pasta Place	Waitress	Washington, DC	04/1995	Est □	08/1995	Est □
Non-Government Employment	Pasta Place	waitress	Washington, DC	04/1996	Est □	07/1996	Est □
Non-Government Employment	Mannatech, Inc. (multi-level glycol-nutritional marketing company; home-based business – location listed is the company hq.)	Associate	Grand Prairie, TX	01/1997	Est □	05/2005	Est X
Federal employment	Department of Defense (General Counsel – International Affairs)	Honors Legal Intern	Washington, DC	01/1997	Est □	01/1997	Est □
Unemployment	N/A	N/A	Dallas, TX	06/1999	Est □	08/1999	Est □
Non-Government Employment	Haynes and Boone, LLP	Associate	Dallas, TX	09/1999	Est □	05/2002	Est □
Unemployment	N/A	N/A	Arlington, VA	06/2002	Est □	07/2002	Est □
Federal employment	Transportation Security Administration	Director, Office of Leg. Policy	Arlington, VA	08/2002	Est □	04/2004	Est X
Federal employment	Executive Office of the President – Homeland Security Council	Special Asst to the President and Senior Director	Washington, DC	04/2004	Est X	04/2007	Est □
Federal contractor	Civitas Group LLC	President and General Counsel	Washington, DC	04/2007	Est X	07/2012	Est X
Federal contractor	McNeill Technologies, Inc./ Civitas Group LLC	Managing Director	Springfield, VA	05/2007	Est □	05/2010	Est □
Non-Government Employment	Mannatech, Inc. (multi-level glycol-nutritional marketing company; home-based business – location listed is the company hq.)	Associate	Grand Prairie, TX	05/2007	Est X	05/2011	Est X
Federal Contractor	Sunesis Consulting, LLC	President	Alexandria, VA	05/2012	Est □	01/2017	Est □
Federal Contractor	Obsidian, A Cadmus Company	Consultant/1099	Washington, DC	07/2016	Est □	01/2017	Est □
Federal employment	Department of Homeland Security	Chief of Staff	Washington, DC	01/2017	Est □	07/2017	Est □

Federal employment	Executive Office of the President – The White House Office	Principal Deputy Chief of Staff	Washington, DC	07/2017	Est <input type="checkbox"/>	Present	Est <input type="checkbox"/>
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(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

Name of Government Entity	Name of Position	Date Service Began (month/year) (check box if estimate)	Date Service Ended (month/year) (check box if estimate) (check "present" box if still serving)
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

N/A

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

N/A

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

- Named one of “The Most Influential People in Security”, 2016, Security Magazine
- Appointed a Civil Expert to NATO, 2015
- Selected and credentialed as risk expert, Risk Assistance Network + Exchange, 2015
- Commissioned as Special Assistant to the President for Homeland Security by President George W. Bush, 2004-2007
- Certificate of Appreciation, DHS Office of Infrastructure Protection, 2007
- Certificate of Appreciation, DHS Transportation Security Administration (TSA), 2004
- Outstanding Service on Behalf of TSA Award, 2004
- Silver Medal Award for Transportation Security, 2003
- Phillip C. Jessup International Law Moot Court, second place oralist at regional competition, 1998
- Bracewell and Patterson Oral Advocate Award, 1997
- Dean’s List and Pi Sigma Alpha Political Honors Society at Georgetown University

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam’s Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
State Bar of Texas	10/1999 – present	Member (currently inactive status)
U.S Chamber of Commerce	2016 – 01/2017	Member
World Economic Forum Global Risks Council	2016 – 01/2017	Advisory Board Member
State of Colorado, Cyber Institute Advisory Board	2016 – 01/2017	Advisory Board Member
East West Institute’s, Strengthening Critical Infrastructure Resilience - Member	11/2015 – 01/2017	Member
Center for Cyber and Homeland Security, George Washington University	2015 – 01/2017	Senior Fellow

RES/CON, Greater New Orleans, Inc.	2015 – 01/2017	Advisory Board Member
World Economic Forum's Global Agenda Council on Risk and Resilience	2014 – 2016	Chair
Center for Naval Analysis Safety and Security Advisory Board	2013 – 2016	Board Member
U.S. Women's Chamber of Commerce	05/2012 – 01/2017	Member
Homeland Security Advisory Council for Strategic and Global Security Programs at Penn State	2011 – 2014	Member
World Economic Forum's Global Agenda Council on Catastrophic Risks	2010 – 2013	Member
Homeland Security Policy Institute at the George Washington University	2010 – 2014	Senior Fellow

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

<u>Name of Office</u>	<u>Elected/Appointed/Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
N/A			

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
Republican National Committee	Election monitor	Legal observer of polling places in Virginia	Election Day 2012

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Right To Rise USA (Gov. Jeb Bush) (returned contribution)	-\$292.75	2016
Right To Rise USA (Gov. Jeb Bush)	\$2,500	2015
Romney Victory (Gov. Mitt Romney)	\$1,500	2012

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

Title	Publisher	Date(s) of Publication
"Resilience and Risk: Methods and Application in Environment, Cyber and Social Domains." Contributor to Chapter 14: "Bridging the Gap from Cyber Security to Resilience"	NATO Science for Peace and Security Series – C, Environmental Security; Springer, published in cooperation with NATO Emerging Security Challenges Division	October 2017
"Resilience Insights." a companion document to the Global Risks Report. Co-author and Editor.	World Economic Forum http://www3.weforum.org/docs/GRR/WEF_GAC16_Risk_Resilience_Insights.pdf	January 2016
"Systemic Cyber Risk: Prepare Individually, Fail Collectively." Author.	Huffington Post https://www.huffingtonpost.com/kirstjen-nielsen/systemic-cyber-risk-prepa_b_9029180.html	January 22, 2016
"Building Resilience in Nepal through Public-Private Partnerships." Co-author and editor.	World Economic Forum http://www3.weforum.org/docs/GAC15_Building_Resilience_in_Nepal_report_1510.pdf	October 2015
"What the Nepal earthquake teaches us about disaster resilience"	World Economic Forum www.weforum.org/agenda/2015/10/what-the-nepal-earthquake-teaches-us-about-disaster-resilience	October 2015
"Managing the Risk and Impact of Future Epidemics: Options for Public-Private Cooperation." Subject	World Economic Forum http://www3.weforum.org/docs/WEF_Managing_Risk_Epidemics_report_2015.pdf	June 2015

matter expert contributor and editor.		
"The Ebola Outbreak of 2013-2014: An Assessment of U.S. Actions." Task Force member and editor.	Heritage Foundation http://www.heritage.org/homeland-security/report/the-ebola-outbreak-2013-2014-assessment-us-actions	April 2015
"World Economic Forum Global Risks Reports." Subject matter expert contributor, author of section on public-private partnerships (2014), co-author of sections on cyber security.	World Economic Forum 2012: http://reports.weforum.org/global-risks-2012/ 2013: http://reports.weforum.org/global-risks-2013/ 2014: http://reports.weforum.org/global-risks-2014/ 2015: http://reports.weforum.org/global-risks-2015/ 2016: https://www.weforum.org/reports/the-global-risks-report-2016	2012-2016
"Partnering for Cyber Resilience Towards the Quantification of Cyber Threats." Subject matter expert contributor.	World Economic Forum http://www3.weforum.org/docs/WEFUSA_QuantificationofCyberThreats_Report2015.pdf	2015
"Securing the U.S. Electrical Grid Initiative." Subject matter expert contributor.	Center for the Study of the Presidency and Congress http://www.thepresidency.org/sites/default/files/Grid%20Report%20July%2015%20First%20Edition.pdf	2014
"Risk and Responsibility in a Hyperconnected World." Major Contributor.	World Economic Forum http://reports.weforum.org/hyperconnected-world-2014/	2014
"Security concerns in today's critical infrastructure environment"	Government Security News Gsnmagazine.com/node/274547?e=it_security (blurb: gsnmagazine.com/technology_sectors/it_security?page=45 -- scroll down 1/4 way)	September 2012
"Beyond Goldwater Nichols' Managing the Next Domestic Catastrophe, Ready or	Center for Strategic and International Studies https://www.csis.org/analysis/managing-next-domestic-catastrophe	2008

Not" Subject-matter expert contributor.		
"Forging a New Shield." Coauthor.	Project on National Security Reform http://www.unc.edu/depts/diplomat/item/2009/0105/comm/pnsr_report.html	2008
"White House Federal Response to Hurricane Katrina Lessons Learned." Major Contributor.	The White House https://georgewbush-whitehouse.archives.gov/reports/katrina-lessons-learned/	February 2006

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

Title/Topic	Place/Audience	Date(s) of Speech
New Approaches are Needed: Building Resilience (Power Point)	Security 500 Conference, Washington, DC	November 14, 2016
Cybersecurity for the New Administration	George Washington University, Center for Cyber and Homeland Security	October 13, 2016
Panel on The State of Cybersecurity	World Congress on IT, World Information Technology and Services Alliance, Brasil	October 3-6, 2016
Resilience Use Case: Building Resilience to Systemic Cyber Risk. Brief Introductory Remarks.	World Economic Forum Workshop: "Building Resilience Against Systemic Cyber Risks," hosted by Deutsche Bank, New York, NY	August 11, 2016
Cybersecurity Threats and the Implications for Defense Industry	NDIA, Executive National Security Forum	July 28, 2016
Confronting Systemic Risks and Building Resilience	The Global Resiliency Forum: Confronting Systemic Risks and Building Resilience; Held at the RESCON conference in New Orleans, LA	March 2, 2016

Designing for Cyber-Resilience. Moderator for panel.	World Economic Forum Annual Meeting 2016, Davos-Klosters, Switzerland https://www.youtube.com/watch?v=Wt6x_RhirY	January 20, 2016
Global Risk Imperative. Facilitator	World Economic Forum Annual Meeting 2016, Davos-Klosters, Switzerland	January 20, 2016
The Governor's Meeting for Financial Services: The State of the Industry. Contributor.	World Economic Forum Annual Meeting 2016, Davos-Klosters, Switzerland	January 21, 2016
Transformation Meeting: Energy Security. Contributor.	World Economic Forum Annual Meeting 2016, Davos-Klosters, Switzerland	January 21, 2016
State of Cybersecurity. Moderator.	Dow Jones Panel. Davos-Klosters, Switzerland	January 22, 2016
Davos Insights on Crisis and Cooperation	World Economic Forum Annual Meeting 2015, Davos-Klosters, Switzerland	January 24, 2015
Risky Business: Public-Private Collaboration for Resilience. Facilitator	World Economic Forum Annual Meeting 2015, Davos-Klosters, Switzerland	January 22, 2015
Measuring Cyber Resilience. Discussion Leader	World Economic Forum Annual Meeting 2015, Davos-Klosters, Switzerland	January 21, 2015
Challenges for Cybersecurity Cooperation	Warsaw Security Forum: https://www.youtube.com/watch?v=4wuu3f5P9Uo	November 5, 2015
Public & Private Partnerships – Legal and Policy Issues. Moderated Panel	American Bar Association, 10 th Annual Homeland Security Law Institute	August 28, 2015
Surviving the Cyber Tsunami: Cybersecurity Worries and Opportunities for Security Contractors	BSecure Cybersecurity Conference http://www.iscwest.com/RNA/RNA_ISCWest_v2/docs/2014/ISCW14_Conference_Brochure_Rev2.pdf	April 2, 2014

Moderated Panel	Critical Infrastructure Partnership Advisory Council (Note: this is a Federal Advisory Council)	2014
Public-Private Partnerships for Security and Resilience – Legal & Policy Issues. Moderated Panel	American Bar Association, 9 th Annual Homeland Security Law Institute	August 22, 2014
Building Resilience to Catastrophic Risks through Public-Private Partnerships	The National Academies and World Economic Forum http://nas-sites.org/resilience/files/2012/12/Resilience-Workshop-Biosketches-090313.pdf	September 5, 2013
Cyber Security and its Implications for the Economy and the Financial Sector	World Economic Forum - Organization of American States http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-251/13	June 2013

(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

Title	Place/Audience	Date(s) of Speech
2011 Intelligence and Homeland Security Symposium	Pennsylvania State University Harrisburg, PA https://www.eventbrite.com/e/2011-intelligence-and-homeland-security-symposium-tickets-1718902283	September 22, 2011
Homeland Defense--National Preparedness Framework panel 5th Homeland Defense and Security Symposium	The Center for Strategic Leadership and the Consortium for Homeland Defense and Security in America. https://cchs.gwu.edu/homeland-security-layered-defense-ready-response video: https://www.youtube.com/watch?v=hxu_G0uFk8o	November 2010



9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.)

No

- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?

No

- Have you been charged, convicted, or sentenced of a crime in any court?

No

- Have you been or are you currently on probation or parole?

No

- Are you currently on trial or awaiting a trial on criminal charges?

No

- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?

No

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

A) Date of offense:

- Is this an estimate (Yes/No):

B) Description of the specific nature of the offense:

C) Did the offense involve any of the following?

- 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
- 2) Firearms or explosives: **Yes / No**
- 3) Alcohol or drugs: **Yes / No**

D) Location where the offense occurred (city, county, state, zip code, country):

- E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**
- 1) Name of the law enforcement agency that arrested/cited/summoned you:
 - 2) Location of the law enforcement agency (city, county, state, zip code, country):
- F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**
- 1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):
 - 2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:
 - 3) If no, provide explanation:
- G) Were you sentenced as a result of this offense: **Yes / No**
- H) Provide a description of the sentence:
- I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**
- J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**
- K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:
- L) If conviction resulted in probation or parole, provide the dates of probation or parole:
- M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**
- N) Provide explanation:

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

No

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

No

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

No

<u>Name of Agency/Association/Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

No

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No

14. Outside Positions

√ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-

profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)

15. Agreements or Arrangements

√ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

16. Additional Financial Data

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

A handwritten signature in black ink, appearing to be "John K.", is written over a horizontal line.

This 18th day of October, 2017

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



October 24, 2017

The Honorable Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Kirstjen Nielsen, who has been nominated by President Trump for the position of Secretary, Department of Homeland Security.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

**DAVID
APOL**

David J. Apol
Acting Director and General Counsel

Digitally signed by DAVID APOL
DN: cn=U.S. Government,
ou=Office of Government Ethics,
email=DAVID.APOL,
o=U.S. Government, ou=1-9549
1002081970
Date: 2017.10.24 12:44:14 -0400

Enclosures **REDACTED**



October 23, 2017

Joseph B. Maher
Designated Agency Ethics Official
Department of Homeland Security
Washington, D.C. 20528-0485

Dear Mr. Maher:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Secretary, Department of Homeland Security.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I am the principal and owner of my consulting limited liability corporation, which does business as Sunesis Consulting, LLC (the "LLC"). The LLC ceased engaging in any business on January 20, 2017. During my appointment to the position of Secretary, the LLC will remain dormant and will not advertise. I will not perform any services for the LLC, except that I will comply with any requirements involving legal filings, taxes and fees that are necessary to maintain the LLC while it is in an inactive status. As Secretary, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the LLC. The LLC has no outstanding client fees. In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). Pursuant to 5 C.F.R. § 2635.502(d), I will seek written authorization to participate in particular matters involving specific parties in which my former client, the World Bank, is a party or represents a party. I also will seek a waiver of the provisions of paragraph 6 of the Ethics Pledge under Executive Order 13770 with regard to the World Bank.

I resigned from my positions with the following entities in January 2017: Res/CON, Greater New Orleans, Inc.; World Economic Forum; Cyber Institute, National Cybersecurity Center; George Washington University, Center for Cyber and Homeland Security; and the North

Atlantic Treaty Organization (NATO). For a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). Pursuant to 5 C.F.R. § 2635.502(d), I will seek written authorization to participate in particular matters involving specific parties in which NATO is a party or represents a party. I also will seek a waiver of the provisions of paragraph 6 of the Ethics Pledge under Executive Order 13770 with regard to NATO.

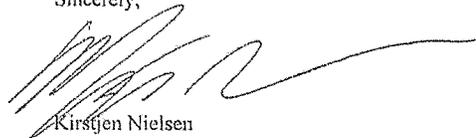
If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I will meet in person with you during the first week of my service in the position of Secretary in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I must continue to abide by the Ethics Pledge (Exec. Order No. 13770) that I previously signed and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,



Kirstjen Nielsen

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Kirstjen Nielsen to be
Secretary, Department of Homeland Security**

I. Nomination Process and Conflicts of Interest

1. Did the President give you specific reasons why he nominated you to be the next Secretary of the Department of Homeland Security (DHS or "the Department"), and if so, what were they?

The President indicated to me that he was looking for a leader who can make tough decisions, who would be dedicated in supporting the men and women of DHS and who has an in depth understanding of the homeland security enterprise and environment to include evolving threats, policy and operations. Citing my experiences, knowledge, skill sets, devotion to the mission and conversations with those who have worked with me, he conveyed that he believed I am such a leader.

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

No, other than to fulfill my duties with dedication, determination and resolve and never waver in fulfilling my obligations to our citizens, laws and country.

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Secretary? If so, what are they, and to whom were the commitments made?

No. I am committed only to leading with integrity and by example, to obey and enforce the laws of our country and to honor and support the men and women who work every day to keep our country secure.

4. Are you aware of any business relationship, dealing, or financial transaction that can result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.

I have consulted with the Office of Government Ethics and the Department of Homeland Security's Designated Agency Ethics Official to identify any potential conflicts of interest. My resulting ethics agreement has been provided to the Committee. I am not aware of any actual or any other potential conflicts of interest. Should I need to recuse myself from a particular matter in the future, I will follow policies and accepted practices in ensuring that the appropriate senior official(s) at the Department executes any responsibilities that may be covered by the recusal.

II. Background of the Nominee

5. What specific background, experience, and attributes affirmatively qualify you to be Secretary?

My homeland security subject matter expertise, experience in government and the private sector, and my leadership, communication and outreach skills make me uniquely qualified to be Secretary of the Department of Homeland Security.

I have worked in the homeland and national security sectors for more than two decades with federal, state, local, tribal and territorial governments, critical infrastructure owners and operators, private sector entities, international partners, think tanks, universities, non-governmental organizations and non-profits. Having worked at the crossroads of policy, strategy, risk, and operational environments, I have a unique blend of operational and enterprise perspective on policy and strategy development, organizational optimization and management, mission execution, the importance of stakeholder outreach and communication, and the role of technology as an enabler and force multiplier. As a government employee, consultant and thought leader/subject matter expert, I have advised government and private sector entities in identifying and understanding emerging threat and risk trends and provided a global perspective to support the development and adoption of best practices to ensure resilience in the face of evolving risk, increasing digitization, and multi stakeholder environments.

Having worked at the Transportation Security Administration prior to the creation of DHS, on the staff of the Homeland Security Council and as the Chief of Staff of the Department, I have witnessed first-hand and contributed to the maturation of the organization and have an understanding of what the men and women of DHS do every day – and need to do – to secure our homeland.

I have contributed to or supported the execution of nearly every homeland security policy document and major national plan and strategy since the Department of Homeland Security was created in 2003. I have run interagency policy processes and have worked with Congressional Committees to ensure that DHS has the tools, authorities and organization it needs to successfully execute its mission.

Having worked in the U.S. Senate, the executive branch and the private sector enables me to appreciate the different perspectives of homeland security stakeholders. I have a proven ability to bring stakeholders with diverse viewpoints and motivations together in a unity of effort towards the common goal of homeland security. The threats we face are too many and too varied for any one entity to address them successfully alone. Partnership is key and I have created and effectively utilized partnerships at all levels of

government and within and between sectors to close vulnerabilities and mitigate potential consequences.

6. Please describe:

a. Your leadership and management style.

I lead by example and always through the promotion of integrity, transparency, compliance with the law, and commitment to mission. I believe in ensuring that the mission is clearly articulated - at every level - and that clear objectives and metrics are agreed upon and assessed. I foster a team approach based on concepts of unity of effort and clearly delineate roles and responsibilities based on the mission. I believe in performance evaluation and in learning and acting on lessons identified, not just observing or admiring them. I expect to be held accountable and hold others accountable. I also believe it is important to take the time to acknowledge a job well done. I have found that talking to personnel on the frontlines, in the field, at their desks is invaluable to understand operating environments, needs and concerns. I believe in empowering those who work with me and believe it is my duty to ensure that they have the authorities, tools, resources and training needed to perform their jobs. I value dissenting opinions and make every effort to ensure that all voices have a place to be heard, and I strive to maintain an environment of trust and respect. Communicating often and consistently with employees, Congress and private sector stakeholders is vital. While seeking to make decisions as quickly as possible, I ensure that they are both informed decisions as well as clear and actionable.

b. Your experience managing personnel.

I have managed personnel at each stage of my career and have had responsibilities for day-to-day operations, hiring, performance evaluations, professional development, budget and profit and loss, determining how best to organize an entity and ensuring that personnel roles and responsibilities are clearly delineated. I also have in depth experience in managing diverse stakeholders from varied sectors who voluntarily, under my leadership, partnered to reach common desired outcomes.

c. What is the largest number of people that have worked under you?

As DHS Chief of Staff, I had the privilege of overseeing all DHS staff (240,000) and directly managed not only the Office of the Secretary which included approximately 65 people but had resourcing and budget related decision-making authority and responsibility for the Office of the Secretary and Executive Management, made up of ten offices, 585 personnel and with a budget of \$137 million (FY 2017 enacted). As WH Principal Deputy Chief of Staff, I oversee approximately 200 people.

7. Please describe your previous experience, including roles and responsibilities, on the White House Homeland Security Council.

As a detailee from the Transportation Security Administration, I initially served as the Director for Preparedness on the Homeland Security Council staff. I was then commissioned as a Special Assistant to the President and served as the Senior Director for Prevention, Preparedness and Response. I advised the President and White House senior staff through the Homeland Security Advisor on homeland security threats and risks and oversaw aspects of government policy development/implementation related to critical infrastructure protection, security and resilience, emergency preparedness and response, counterterrorism and information sharing.

- **I led the development and adjudication of interagency policy decisions as the Chair of five Policy Coordinating Committees (PCC) (including the Cybersecurity PCC, Critical Infrastructure PCC, the Plans, Training, Exercise, and Evaluation PCC, the Information Sharing PCC, and the Domestic Readiness Group PCC) consisting of Assistant Secretaries throughout the Federal Government.**
- **I authored, edited, contributed to and led the interagency policy coordination process for various policy and strategy documents, homeland security presidential directives, and executive orders for the President's consideration and issuance, including co-drafting HSPD-19 (*Combating Terrorist Use of Explosives in the United States*), the Executive Orders addressing Public Alert and Warning (E.O. 13407) and National Security Professional Development (E.O. 13434), and Presidential Memoranda on the Information Sharing Environment. I also led the interagency adjudication of the prevention, preparedness and response issues related to the National Strategy for Combatting Terrorism (2007) and the National Strategy for Pandemic Influenza (2006).**
- **I oversaw the government-wide implementation of HSPD-5 (*Management of Domestic Incidents*), HSPD-7 (*Critical Infrastructure Identification, Prioritization and Protection*), and HSPD-8 (*National Preparedness*), and all Executive Orders (EOs) and Presidential Memoranda regarding Information Sharing and the Information Sharing Environment.**
- **I oversaw the federal interagency coordination and drafting of the first National Infrastructure Protection Plan (NIPP) and the Sector Specific Plans, as well as the Information Sharing Environment Implementation Plan and oversaw and led the development of federal policy related to continuity of government.**
- **Post Hurricane Katrina, I was a major contributor to the 2006 White House *Federal Response to Hurricane Katrina Lessons Learned*, and coordinated the development of the roles and responsibilities of DHS and the Sector Specific Agencies for incident management, including the development of request for information and request for assistance processes, led the interagency revision of the National Response Plan and developed and coordinated the development of the Critical Infrastructure/Key Resources Annex.**

- I articulated policy priorities for and facilitated the development of recommendations to the President from two Presidential advisory boards, the National Infrastructure Advisory Council and the National Security Telecommunications Advisory Council.
 - I led the development of exercise objectives and scenarios and oversaw all aspects of exercise participation by White House officials in the bi-annual continuity of operations government exercise, and oversaw the planning of two TOPOFF exercises. I also oversaw the identification of the highest priority Federal lessons learned for the TOPOFF exercises and developed policy options to address them. I led the development and coordination of the National Exercise Plan, the National Exercise Schedule, scenarios and objectives for TOPOFF and Senior Official Exercises, the assessment of U.S. Government exercises, the identification of lessons learned and the assignment of actions to close gaps, eliminate redundancies and strengthen underlying policies, plans and procedures.
- a. If confirmed, what lessons learned from your time on the Homeland Security Council will you bring to the position of Secretary?

There are many experiences and lessons from my time on the Homeland Security Council staff that I would draw from should I be confirmed. To describe a few: I understand the value of interagency policy and strategy coordination as well as the need for such coordination to support, rather than hinder, the ability of Departments and Agencies to perform their missions. I understand that resourcing and training must go hand in hand with and flow from clear risk based policies, strategies and priorities to ensure effective mission execution. Given the scope and breadth of the homeland risks we face today, I also understand how vital it is to work with state, local, tribal and territorial governments as well as the private sector - in particular the owners and operators of critical infrastructure. I chose then and continue to choose transparency over political expediency. Finally, policy cannot be created in a vacuum - It must be informed by the operational needs and realities of those operating in the field and on the frontlines.

III. Role of the Secretary of DHS

8. Please describe your view of the agency's core mission and the Secretary's role in achieving that mission.

Consistent with the Homeland Security Act of 2002, the Department's primary mission is to prevent, reduce our vulnerability to, and recover from terrorist attacks against the United States. Additionally, DHS has a number of specific responsibilities to enforce our immigration laws, ensure the security of our borders, protect the nation's critical infrastructure and respond to natural disasters.

I believe the Secretary's role is to set priorities, to clearly articulate mission, objectives and performance goals and to ensure that the men and women of DHS have the tools and resources they need to execute their missions. Should I be confirmed, I would also work across the interagency and with Congress to ensure that all needed and appropriate authorities and resources are brought to bear to secure our homeland.

9. If confirmed, what would be the highest priority items you would focus on? What do you hope to accomplish during your tenure?

From a risk perspective - border security, law enforcement, cyber security, aviation security and assessing and understanding both how our risks are evolving and the most efficient and effective ways to address those risks. From a leadership perspective - to work with the men and women of DHS to increase unity of effort and to define and clarify missions, roles and responsibilities throughout the enterprise and to ensure that they have the tools, resources and training they need to secure our homeland. Should I be confirmed, I will also work with Congress to reauthorize the Department and to address any gaps in needed authorities and/or to further clarify federal roles and responsibilities related to homeland security.

10. What actions will you take to ensure better cohesion and cooperation among all DHS components?

Should I be confirmed, I would plan to continue the strong initiatives of Secretary Kelly and Acting Secretary Duke. I believe cohesion and cooperation flow from a mutual, clear understanding of mission and risk-based priorities, clearly articulated roles and responsibilities, accountability and acknowledgement, support for the enforcement of our laws, and having the tools and resources needed to do one's job. Should I be confirmed, I will work with the Deputy Secretary and the Undersecretary for Management to assess the effectiveness of current unity of effort programs and processes and strengthen them where needed. Ensuring that voices can be heard in an environment of trust and respect is vital. I will also seek to eliminate stovepipes and develop plans, processes and programs to integrate and leverage capabilities and tools throughout the Department. Finally, I will also work to promote joint education and training of DHS personnel to underscore that homeland security, although made up of component missions, is one mission and to be effective DHS must be able to function as one team.

IV. Policy Questions

The Quadrennial Homeland Security Review and DHS's Missions

11. You will be responsible for the development and publication of the 3rd Quadrennial Homeland Security Review (QHSR) in 2018. Please share your overall assessment of the 2014 QHSR and to what extent, and the reasons why, you agree or disagree with its stated assumptions, missions, goals, and recommendations.

Strategic level processes that enable the Department to assess itself and update its strategies and planning, including the QHSR, are important for the further maturation of the institution and to ensure that its mission is effectively and efficiently executed. My overall assessment of the 2014 QHSR is that it adequately reflects the priorities and goals of the previous Administration and describes the threats and vulnerabilities of greatest concern in 2014, but like any such document it is a snapshot in time. As discussed in other parts of this questionnaire, in my view the threats have evolved and certainly the environment in which the threats manifest has evolved. Of course then, this Administration's approach and prioritization of missions and goals against the threats existing in 2018 may differ. I understand that DHS has already been significantly engaged in reviewing and updating the 2014 QHSR in order to lay the groundwork for the 2018 QHSR. If confirmed, I look forward to reviewing the work completed to date. With respect to the 2018 QHSR my goal will be to ensure the document reflects and is responsive to current threats, vulnerabilities and consequences and can be used as a guide to prioritize the Department's missions and resource needs.

12. What, if any, are the most significant changes in America's security environment since the publication of the 2014 QHSR?

There are several notable examples. Since 2014, the world has changed in ways that were difficult to predict in 2014 including increasing digitization, the pace of technological innovation, hyperconnectivity, an explosion of the internet of things, the exponential rise in quantities of data available and stored, artificial intelligence, 3-d printing, and expanding use of cloud services. As a result, we face new and novel vulnerabilities and the potential for large-scale cascading consequences resulting from attacks and natural disasters. In 2014, we were significantly concerned about U.S. and European individuals who were radicalized traveling to the Middle East to join ISIS on the battlefield. Today, as we, with our allies, have greatly disrupted the ability of ISIS to command and control from the caliphate, we are much more concerned both about the diaspora of foreign fighters fleeing a disintegrating caliphate and preventing their travel to the West, and addressing the ability of ISIS to inspire lone wolf attacks throughout the world. We also have seen new types of threats to aviation and an increasing number of attacks using common items such as vehicles as weapons.

13. In your view, how has DHS's core mission evolved since its inception, if at all? What do you think DHS's core mission should be for the next decade?

Over time, the threats to our homeland have evolved, our vulnerabilities have changed and the potential consequences from all hazard events have morphed and in many cases expanded. How the Department goes about its work and prioritizes its missions and resources must also continuously evolve. When I joined the then new Transportation Security Administration, one of the primary motivations was preventing another large scale terrorist attack – likely in the aviation sector – against the homeland and the main

threat was Al Qaeda. Fifteen years later, we fully appreciate that there are a variety of threats we guard against in addition to foreign terrorists, ranging from natural disasters to cyberattacks to mutated viruses to human and narcotics smuggling organizations. In my mind, in general, DHS' mission should continue to be to prevent, protect against, mitigate, respond to, recover from and mitigate the consequences of all hazard threats against the homeland, to enforce the laws charged to its care, to strengthen our resilience, and to protect the nation's critical infrastructure. Our challenge is to keep up with the threat and how it manifests in our changing world.

14. What do you see as the greatest threat to the homeland, and how will you work to mitigate that threat if confirmed as DHS Secretary?

Terrorist threats, threats from natural disasters and other emergencies, cyberattacks and cybercrime, threats to our aviation system and maritime domain, transnational criminal organizations. It is vital to continually assess and understand both how our risks are evolving and the most efficient and effective ways to address those risks. However, if I had to pinpoint a single greatest threat, it might be cyberattacks on our critical infrastructure assets, systems, information and functions because such attacks can result in large scale cascading consequences, our vulnerabilities are morphing, remain significant and in some cases are growing, those who intend to do us harm are numerous and varied, and the cost to pursue and execute such attacks is low. If confirmed, I will bring renewed focus to closing our vulnerabilities, enhancing our capabilities to detect such attacks and strengthening our levels of resiliency – throughout our ecosystem – to mitigate the consequences.

Mission 1—Prevent Terrorism and Enhance Security

15. In reviewing the three goals identified in the QHSR under this mission, please describe your understanding of DHS's current capability to achieve these goals.

DHS continues to mature and expand its capabilities to prevent terrorist attacks and enhance security. As the threat evolves and expands, DHS must be able to adjust with increasing speed and agility to meet emergent threats. DHS must increase its capabilities to address terrorist exploitation of the internet and social media for radicalization, the security of soft targets, evolutionary aviation security threats and next generation terrorist threats such as advanced disruptive cyberattacks and the terrorist use of drones.

16. Should any goals be added to Mission 1, and if so, what goal(s) should be added?

If confirmed, I look forward to reviewing the Department's ongoing work on the 2018 QHSR, and ensuring it is coordinated with the Administration's strategy for national security before making any recommended changes to the 2014 goals.

17. If confirmed, what steps will you take to improve information sharing among federal, state, local, and tribal officials?

I view information sharing with and among our federal, state, local and tribal partners as a vital part of effectively securing the homeland. I co-drafted and oversaw the federal implementation of all Bush Administration Executive Orders (EOs) and Presidential Memoranda regarding information sharing and the Information Sharing Environment (ISE). In creating and instituting the ISE, we spent time categorizing the types of information we needed to share and the stakeholders who needed to share and receive such information. The basic frameworks, policies and procedures have expanded and been updated over the years, but the underlying goal - to connect the dots - has remained.

I am somewhat familiar, from my time as DHS Chief of Staff, with some of the Department's recent initiatives to enhance and improve information sharing, some led by the Office of Community Partnership and Engagement. I have had conversations with a number of representatives from state and local law enforcement and first responder organizations, including the fusion center community, to gain their perspective on how DHS is doing and how it can do better. If confirmed, I look forward to working with such representatives and other federal partners to expand the use of best practices, address gaps in sharing, identify innovative tools and processes to ensure that such sharing is accurate, timing and actionable and in general to continue to strengthen the Department's relationship with federal, state, local and tribal officials and the flow of information in both directions. These officials are on the front line of our nation's homeland security, and we all benefit greatly from improving our information sharing.

18. Please describe your understanding of the challenges facing, and your priorities to improve, the Transportation Safety Administration (TSA).

Here at home and overseas, transportation systems continue to be a prime target for terrorists. Whether aviation, rail, maritime, mass transit or shipping the potential to cause mass casualties and/or economic disruption draws the attention of those who mean us harm. If confirmed, improving TSA's effectiveness and efficiency at all levels of operations and staffing to address today's threats – while ensuring the freedom of movement for people and commerce – is a high priority for me and one near to my heart, as my first job within DHS was at TSA during its formation. If confirmed, I look forward to working with Administrator Pekoske to also improve the professional training and career path for the employees of TSA.

19. What is your assessment of, and commitment to, community engagement to prevent terrorism and counter terrorists and other violent extremists?

I believe such engagement is vital. It is not however only a DHS role. While I was the DHS Chief of Staff, we spoke with officials from multiple states, localities, organizations and

countries to better understand what was working in various communities and what programs and initiatives could be scaled and tailored to other communities. If confirmed, I will ask to be thoroughly briefed by DHS, other stakeholders and experts in this field so support comprehensive strategies to counter terrorists and other violent extremists through community engagement. I commit to doing this early in my tenure.

20. What is your assessment of the threat and our ability to mitigate the threat of the acquisition and use of Chemical, Biological, Radiological, and Nuclear (CBRN) materials? Please describe your priorities regarding CBRN-related threats.

It is my understanding that DHS is working on an updated assessment of CBRN threats, and if confirmed I look forward to reviewing it in detail. We have no doubt of the intent of our adversaries to acquire these weapons and use them, and we have models of the terrible consequences these weapons can reap in the wrong hands. We know terrorists have undertaken efforts to test certain CBRN capabilities on the battlefield, and we have seen them attempting to export such tactics for external operations and attacks against the West. I believe we can do more to create a focal point within DHS and within the federal government to counter the CBRN threat and, if confirmed, look forward to working with the Committee and Congress on this to better protect the American people.

21. Please describe your assessment of the threat posed by electromagnetic pulse (EMP), ground-based missile defense (GMD), cyberattack, and physical attacks to our critical infrastructure.

These are significant threats with extremely high potential consequences and more work remains to understand and address these threats. A primary DHS role and responsibility is to work closely with partners outside of DHS in understanding risk, ensuring resiliency and developing response and recovery planning for any EMP, GMD, cybersecurity or physical attack on the nation's critical infrastructure. Partnership remains the cornerstone of addressing such threats as much of our nation's critical infrastructure is owned and operated by the private sector. We must better understand the panoply of attack vectors and attack types against our critical infrastructure- both through modeling and information sharing.

22. In March 2016, the Government Accountability Office (GAO) examined the steps DHS and the Department of Energy have taken to address the key recommendations of the 2008 EMP Commission report, and revealed that several recommendations remain open and unimplemented. Please describe your understanding of the 2008 EMP Commission Report. Will you commit to thoroughly investigate the open recommendations and work to implement them into DHS's national security strategy?

I am aware of the March 2016 GAO report and recall that it found that while DHS, the Department of Energy and the Federal Energy Regulatory Commission have taken steps in line with the Commission's report, further actions are needed. Should I be confirmed, I commit to assessing the open recommendations and ensuring that DHS, within its roles

and authorities, addresses the threat in partnership with other federal agencies and the private sector.

23. Describe your understanding of the challenges facing, and your priorities to improve, the Department's protective security programs?

One of the challenges facing DHS protective security programs is the need to adapt to emergent and changing threats. Such programs must also be risk based. If confirmed, I will more thoroughly review the Department's related efforts so as to better target them to meet the technical assistance needs of partners in areas such as the protection of soft targets.

24. As Secretary, how will you approach balancing the need to protect the homeland while at the same time protecting individuals' privacy, civil rights, and civil liberties?

I do not believe that the description of a balancing act reflects my view accurately, as it implies that in order to protect the homeland we must sacrifice some of our most cherished, constitutionally protected rights and liberties. I don't view it as a system of tradeoffs between two equally worthy goals but rather that our challenge is to determine how to protect the homeland within the limitations imposed by the laws which protect privacy, civil rights and liberties. DHS has multiple offices that help ensure privacy, civil rights and civil liberties are protected and, if confirmed, I will ensure that Department personnel are made aware of my beliefs that such protection is not merely a compliance box to check but part of our solemn duty to uphold and defend the Constitution in the oath we take.

Mission 2—Secure and Manage Our Borders

25. Please describe your understanding of DHS's capability to achieve the three goals identified in the 2014 QHSR for the mission to secure and manage our borders.

The President has made very clear that securing and better managing our borders is a top priority of this Administration and demands our utmost focus. If confirmed, I will be briefed immediately on the forthcoming strategic plans for managing and securing our Northern and Southern borders and will review them in the context of the 2014 QHSR goals, and perhaps more importantly strive to have them inform the goals of the 2018 QHSR in this area. I know Congress will also be briefed on the strategies and if confirmed, I look forward to working with the Committee and the Congress on aligning the strategy with our QHSR goals.

26. Please discuss the challenges DHS and its components face in preventing illegal import and entry as well as export and exit. How would you plan to address these challenges?

Assuming this question refers to goods rather than people, the Department, particularly CBP and ICE, faces significant challenges in preventing illegal importation and entry of goods as well as their export at the nation's ports of entry. One historic challenge has been that the Department acts as the executive agent at the border for a number of other federal agencies ranging from the Department of Agriculture, to the Department of Defense, to the U.S. Postal Service, to the Department of Commerce to enforce our laws and regulations governing goods coming or going. DHS must rely heavily upon these other agencies and in some cases upon affected U.S. industry for the requisite expertise and guidance on what to look for and on what to focus. Another challenge is the sheer volume and speed of international supply chain movements with express consignment carriers, just in time inventories and the rapidly changing way goods flow across borders through ecommerce. On the export side, there is the significant challenge that the way in which DHS facilities and port infrastructure are arranged make it more difficult to conduct outbound inspections than inbound ones. I know this is something Acting Commissioner McAleenan is looking at in coordination with our partners in Mexico and Canada. If confirmed, to address these challenges, I will focus on how we can get smarter and faster in selecting what we look at by harnessing all available data for anomaly detection and audit. The lack of complete control between the ports of entry of course poses its own challenges discussed elsewhere, among which is the smuggling of illicit cargo items, which might otherwise be legal if properly and lawfully imported (e.g. tobacco, alcohol), in order to circumvent duties or other restrictions by avoiding any chance of inspection.

27. DHS is responsible for safeguarding and expediting lawful trade and travel. Please describe your understanding of the challenges facing DHS in executing these responsibilities. How would you plan to address them?

A key component of CBP's charge is to facilitate lawful international travel and trade. If confirmed, I will work with CBP to ensure that we continue to strengthen all dimensions of safeguarding and expediting lawful trade and travel. DHS is currently working on a number of strategic plans on border security, with primary input from CBP, ICE, the Coast Guard and TSA. If confirmed, I look forward to being briefed on this draft strategic plan and ensuring it addresses our responsibility to facilitate lawful trade and travel while better securing our border against illicit people and things.

28. What do you believe are the primary causes of illegal migration from Central America, and how do you believe the U.S. can partner with these countries to address the ongoing illegal migration?

The reasons for this in my view are the so called "push and pull factors" and the solutions are both simple and complex. While I was Chief of Staff to Secretary Kelly we spent considerable time discussing this issue, and I benefited greatly from his knowledge and commitment to the region and from meetings we held with Central American leaders. I concur with his assessment given to this Committee that the continued "push" drivers for illegal migration from Central America are the crime and instability in those countries that

are largely a consequence of drug demand in the United States and the resulting destabilization from drug trafficking organizations using these countries as transit zones. The “pull” factors continue to be economic opportunities in the United States that are substantially better than those available at home to most citizens of these countries and also a continued, but decreasing, perception that if a person can successfully get to the U.S. border they will either not be caught or be allowed to stay. In terms of the solutions available to us, I believe we can and should continue to seek greater cooperation with willing partners in these countries and devote greater energy and resources to help them combat DTO’s and criminal gangs as well as assist them to provide economic opportunities for their citizens at home so they will not be “pushed” to make a dangerous journey in the first place. We also can continue to improve all aspects of our immigration enforcement process from border security, to certainty of deportation and return, to employment verification in order to reduce the “pull” for illegal immigrants from Central America and elsewhere and to act as a powerful deterrent to the choice of illegal rather than legal means of migration.

29. What is your view on the use of expedited removal as a consequence to illegal migration?

Expedited removal is one of the law enforcement actions available to DHS to quickly return those who came or come to the United States illegally. I believe, when it can be legally and appropriately used, it is a valuable tool for DHS to provide swift, certain and actual consequences for illegal entry. It also reduces the need for detention resources while protecting due process and counters the perception that anyone who has entered illegally is entitled to stay in the United States indefinitely for infinite legal proceedings.

30. If confirmed as Secretary, how would you work to decrease the amount of drugs coming across the United States borders and into local communities?

The Administration has recently set forth plans for aggressively countering the opioid crisis as part of a larger comprehensive drug demand reduction strategy. DHS plays an important role in that effort and in the nation’s broader counter narcotics efforts centered on interdiction and targeting transnational criminal organizations and smuggling networks. If confirmed, I will work to ensure that the Department fulfills its critical role in keeping drugs from reaching our communities. While I would continue to strengthen DHS interdiction efforts at our border and investigations of transnational criminal organizations, I would also bring renewed attention to the Department’s role which starts well beyond our borders with targeting drugs and chemical precursors in foreign ports of embarkation; continues with CBP and Coast Guard interdiction efforts in the transit zones and includes cooperative efforts throughout with our international and interagency partners.

31. What experience do you have in fostering international partnerships? How would you collaborate with foreign governments to strengthen the security of the U.S. borders?

Both in the private sector as a homeland security subject matter expert and during my time in government I have been a part of fostering international partnership, collaboration and cooperation on security and resiliency issues. It is the only way we have a chance at addressing today's quickly evolving threats. I have in depth experience in working with officials of foreign governments and multinational organizations to find common ground that enhances our collective security, and most importantly that of the United States. For example, I have chaired groups of international experts from various countries representing a myriad of sectors and experiences towards assessing and making recommendations towards addressing systemic cyber risk. As it relates to U.S. borders in particular, as the DHS Chief of Staff, I worked with multiple foreign governments, including those of Mexico and Central American countries on efforts to strengthen our border security by working collectively to share information and to, in partnership, address transnational criminal organizations and networks. If confirmed, I would bring these experiences, coalition and partnership building skills, and relationships to bear in order to better protect our homeland.

Mission 3—Enforce and Administer Our Immigration Laws

32. Please describe your understanding of DHS's capability to achieve the goals identified in the 2014 QHSR for the mission to enforce and administer our immigration laws.

Since the start of the Administration, the Department continues to make significant progress in addressing the two goals identified in the QHSR: Strengthen and Effectively Administer the Immigration System; and Prevent Unlawful Immigration. Ultimately, our ability as a Department and a nation to fully achieve both goals in my view depends heavily on further policy decisions regarding full deployment of full biometric exit capability. On the legal immigration side, DHS still has much to do to find efficiencies in its processes and reduce backlogs amidst heavy volume both on immigrant and non-immigrant visa applications as well as asylum adjudications. If confirmed, I look forward to working with the Committee and Congress to do the hard work necessary to address these goals.

33. How would you work to improve cooperation and coordination between DHS components responsible for administering immigration benefits and enforcing immigration laws? Please describe any actions you would recommend to improve information sharing between DHS's components and other government agencies.

Should I be confirmed, I would begin by clearly communicating that improved cooperation and coordination between components responsible for immigration benefits and immigration enforcement starts at the leadership level of the Department and the component agencies. However, identifying what specifically needs to be fixed starts in the field. I would, as Secretary Kelly and Acting Secretary Duke did, seek the perspective of our frontline personnel and first line supervisors as to where they see problems or challenges in cooperation and coordination on a daily basis, as well as seek the

perspective of outside stakeholders such as our state and local partners and immigration applicants. An effective and efficient immigration system must be inclusive of both benefit and enforcement activities that operate seamlessly. Secure borders require for example an effective and efficient asylum benefit process and the sharing of reliable information on legal immigrant status. A strong interior enforcement effort will not work without a reliable employment eligibility verification system. If confirmed, I pledge to hold our Headquarters and component leadership accountable for improving coordination and cooperation within the Department.

34. What is your understanding of the challenges facing DHS and the State Department in visa security? How would you recommend addressing those challenges?

Should I be confirmed, I will bring a strong working relationship with Secretary Tillerson and his team to jointly identify areas of weakness and implement further improvements such as interagency applicant vetting, addressing exit tracking and overstays.

35. If confirmed as Secretary, how will you work with partner countries to ensure that the visa waiver program facilitates effective intelligence and information sharing?

The U.S. Visa Waiver Program (VWP) is a strong partnership with over 35 allies who reliably share intelligence and information with the United States in order to be eligible for the program. The program serves to both enhance our collective security while also facilitating low risk legitimate travel. In May of 2017, while I was Chief of Staff at the Department, then-Secretary Kelly directed DHS to review existing aspects of the Program and to provide options to enhance the security of the Program. Since then, I know DHS has worked—both internally and with the interagency—to evaluate a number of recommendations. If confirmed, I look forward to being fully briefed on the areas for improvement that have been identified and the actions we can implement within the Department and U.S. Government and those which require enhancing the cooperation with partner countries. International cooperation overall is essential along with the adoption of new standards such as ePassports to stay ahead of fraud and counterfeiting. If confirmed, I will continue to work to strengthen our existing security partnerships such as the VWP as well as advance other information sharing partnerships focused on identity management and criminal/terrorist history.

36. Immigration and Customs Enforcement Homeland Security Investigations is responsible for enforcing a wide range of federal laws. What are your initial recommendations for prioritizing investigative resources?

Should I be confirmed, I will support the important work of Homeland Security Investigations, and prioritize resources so that they are consistent with the Administration's policy priorities, ensuring that they are responsive to emerging law enforcement challenges.

Mission 4—Safeguard and Secure Cyberspace

37. Please describe your understanding of DHS's capability to achieve the four goals identified in the 2014 QHSR for the mission to safeguard and secure cyberspace.

The 2014 QHSR goals in this mission area are: to strengthen the security and resilience of critical infrastructure; secure the federal civilian government information-technology enterprise; advance law enforcement, incident response, and reporting capabilities; and strengthen the ecosystem. I believe the Department's capability to achieve these goals are within reach but only with dedicated focus and resourcing. The Department's network protection activities are built on a solid foundation of policy, strategy, and authorities, but there is room for growth to ensure DHS continues to enhance the security and resilience of the Nation's critical infrastructure and Federal networks against cyber incidents.

38. What do you view to be the most significant current and potential cyber security threats facing our nation, including threats to federal networks and critical infrastructure owners and operators?

I would offer that when discussing cyber threats, we have moved from an "if" to a "when?" to a state of "how often?" and "how long can we resist an attack?" followed by "when did you recognize the initial intrusion and are you able to identify and quantify the consequences?"

In a world of sophisticated, persistent and patient threat actors with multiple and varied motivations, cyber threats continuously evolve and range from simple to multifaceted. Cyberattacks are becoming more complex, targets more encompassing, and the impact of attacks is more damaging. And yet in many cases, we're not doing the basics to protect ourselves. In this environment, we must be vigilant in protecting our Federal networks, critical infrastructure and essential functions against Nation state actors, such as Russia, China, North Korea, and Iran, which seek to leverage cyberspace to steal our intellectual property, undermine trust in our Democratic systems, or potentially seek to control, disrupt, damage or deny our Nation's critical infrastructure functions. We must also protect our Nation against cybercriminals and transnational criminal organizations who aim to leverage cyber enabled activity to steal money or personal information, encrypt our data and information via ransomware, and/or utilize the dark web to sell illegal goods and services.

We also recognize that our systems and assets rely on complex software and hardware where cyber vulnerabilities are ubiquitous and often difficult to predict given the pace of technological innovation and interconnectivity. When we are lucky, well-intentioned security researchers discover and provide software vendors with the information needed to mitigate vulnerabilities. When we are unlucky, vulnerabilities are leveraged by threat actors to cause us harm.

Given the threat actors, the increasing asymmetry of the threat environment, the low barriers to entry, and the commoditization of malware, I view the internet of things, the availability and integrity of key information, and critical infrastructure essential functions to be at significant risk. I would also offer that we still do not fully understand the systemic risks introduced by the increasingly connected economy, in particular the systemic risks to the critical services upon which we rely. This is a potential blind spot I have written about and discussed widely with partners from all sectors. Finally, I believe a large gap remains between reality and the perception of cyber risk by any given entity- itself a risk that must be addressed.

Should I be confirmed, I look forward to working with other federal partners and the owners and operators of critical infrastructure to ensure the security and resilience of our critical infrastructure.

39. What is your initial view about the role of DHS's programs to strengthen public and private sector cybersecurity?

In this current cyber environment, no one entity has all of the authorities, capability or capacity to protect every asset or stop every threat. Our approach must be rooted in risk management and partnership. We must identify the criticality of assets, identify and assess systemic risks, and prioritize the application of protective measures in a scalable, risk-informed way. We must protect our Federal government's networks so that our government can operate efficiently and secure our citizens' data. And we must ensure that our critical infrastructure is protected and resilient to attack so adversaries understand that they will not easily succeed.

Addressing our Nation's cybersecurity threats and vulnerabilities requires a whole of Government, and indeed whole of Nation, approach that is coordinated with our private sector, state, local, tribal and territorial governments, and international partners. We must collectively leverage our various authorities and capabilities to secure vital systems, assets and functions, improve resilience against cyber incidents, and quickly respond to and recover from incidents when they occur.

DHS's network protection activities, which include the development and sharing of best practices, technical assistance, deployment of innovative technologies, and improved information sharing, establish a baseline of cybersecurity for our Nation and underpin all of our other Federal cybersecurity efforts.

In the realm of information sharing, the passage of the Cybersecurity Act of 2015 established the Automated Indicator Sharing program, which allows network defenders to share cyber threat indicators at network speed and provides all of the Department's partners with a wealth of raw data that they can analyze and use. I understand that AIS currently has hundreds of organizations receiving this data from Federal partners. Many

of these are Information Sharing and Analysis Organizations (ISAOs) and Centers (ISACs), which in turn, share this information with the entities they represent. As the program moves forward and we continue to bring organizations into the program, I would offer that we need to strengthen the context and information accompanying the threat indicators so that our partners can more easily action them and incorporate them into operations.

DHS continues to work with private sector partners on a daily basis, through programs such as the Critical Infrastructure Sharing and Collaboration Program (CISCIP) and Automated Indicator Sharing (AIS) program. The Department works directly with critical infrastructure companies and ISAOs to provide information, technical assistance, assessments, and incident response. These partnerships allow the Department to understand and ultimately reduce cross-cutting and systemic cyber risk across our Nation.

It is vital that the Department continue to develop a scalable, agile, layered defense to ensure the protection of Federal networks. The Continuous Diagnostics and Mitigation (CDM) program offers Federal agencies automated capabilities to defend their networks. As I understand it, the Department continues to develop and implement the National Cybersecurity Protection System, or EINSTEIN, to protect Federal Civilian Executive Branch networks from known vulnerabilities and malicious software through a combination of detection, analytics, information sharing and prevention activities.

Finally, DHS, in partnership with other federal agencies, conducts much needed criminal investigations to disrupt and defeat cyber criminals. As part of the Department's larger efforts against transnational criminal organizations, should I be confirmed, I would look to strengthen the execution of this important mission.

Should I be confirmed, I will look forward to working with the Congress in addressing proposals for the reorganization and renaming of the National Protection and Programs Directorate to further strengthen the Department's cybersecurity capacity and ability to partner with outside entities.

40. If confirmed, what steps do you intend to take to improve the nation's cyber security, both with respect to the government and private networks?

We must focus on building resilience and reset our traditional expectations of risk management, and its approaches and assumptions. Government and private networks must be able to adapt, transform, respond and mitigate at speed - while under constant and persistent attack. The threat environment requires us to be able to accept failure, to tolerate it, to constantly innovate and learn to help an entity bounce forward- not just bounce back. At the same time, we must also get the basics right – taking a layered approach to a safe, secure, and resilient cyber ecosystem.

The President's recent Executive Order on cybersecurity directs the Department to continue to lead the Nation's cybersecurity efforts with both the Federal government and in coordination with the private sector. DHS must continue to lean forward, anticipate evolving threats, and continue to develop and/or offer scalable tools, programs and resources to support its partners and to mitigate vulnerabilities and consequences.

Should I be confirmed, understanding where we are and where we need to be will be an immediate focus. A few examples- I would look at our partnerships and engagements with industry - are they working?; what can we do better?; how can we expand and strengthen them? I would also look at how best to meet the needs of our partners in the private sector and state, local, tribal and territorial governments- are we providing the right tools?; the right resources?; providing the right information? On information sharing- are we sufficiently connecting dots?; are we leveraging the capabilities that exist throughout government?; On risks- are we constantly assessing?; are we looking across sectors?; are we identifying and assessing single points of failure, points of aggregation, and systemic risks? On the federal cyber workforce- How can we attract and retain talent?; are we sufficiently developing and cross-training our existing workforce? Should I be confirmed, I would like to assess how a model such as FEMA's Surge Capacity Force for disaster response may have value in the cyber incident response domain.

Mission 5—Strengthen National Preparedness and Resilience

41. Please describe your understanding of DHS's capability to achieve the four goals identified in the 2014 QHSR for the mission to strengthen national preparedness and resilience.

I believe the Department still embraces and is working diligently to meet the 2014 QHSR's four goals: Enhancing National Preparedness, Mitigating Hazards and Vulnerabilities, Ensuring Effective Emergency Response, and Enabling Rapid Recovery. DHS has a number of programs and resources dedicated to each of these goals ranging from modeling resources, to direct engagement with private sector critical infrastructure owners, to public awareness campaigns, to grant programs for state and local partners. DHS remains committed to supporting partners at all levels of government and in the private sector nationwide to strengthen our ability to prepare for, mitigate, respond to and recover from a variety of threats together. I believe that preparedness and resiliency, more than any other DHS mission areas are a shared responsibility. DHS has done and continues to do much in this area. One of the challenges, if confirmed, that I would like to address head on as Secretary is - with so many programs at work in this area with so many partners- how do we better measure our successes and remaining gaps? Preparedness grants undoubtedly strengthen our nation's ability to prevent, protect against, mitigate, respond to, and recover from terrorist attacks, major disasters, and other emergencies in support of the national preparedness goal but spending money alone is not enough unless we can measure how it is making us better prepared and closing vulnerabilities.

42. How do you evaluate the current state of national preparedness for emergencies and disasters, including the capabilities of individuals and communities?

Overall, the nation as a whole has a better level of preparedness for attacks, disasters and emergencies than in the past, but there is much room for continuous improvement. Of course, this assessment also must be tempered by lessons we have and will continue to learn from the unparalleled ongoing response and recovery efforts related to the disasters from this very active 2017 hurricane and wildfire season. In my mind, we should always take time to learn what went right and what could have gone better - both our successes and our failures. We must also continually assess our risks - risk assessments and preparedness evaluations should go hand in hand. Preparedness evaluations are much more actionable when they are conducted against specific risks. If confirmed, I will work closely with FEMA leadership, and our federal, state, local, tribal and territorial partners to improve our nation's preparedness. As a combined group, we have work to do in the area of balancing the prevention, mitigation and response/recovery equation for the best value to the public.

43. The largest share of DHS's budget authority is provided to FEMA to carry out its mission. What are your initial recommendations for improving DHS and FEMA's management of its grant programs?

If confirmed, I will start with my belief that DHS and FEMA grants exist to support, and not supplant the responsibilities of state, local, territorial and tribal entities to identify and manage their own programs for preparedness and response. The first response is always at - and should be in my mind - at the state and local level. No one knows their communities better than those on the ground in the communities, living and working in the neighborhoods. It is my belief that the federal government is here to support, supplement and assist them both before, during and after a disaster. In extreme cases, the federal role may increase if the state, local, tribal and territorial capabilities are overwhelmed. With that framework in mind, as I mentioned in my response to Question #43 above with respect to FEMA grant programs, how do we better measure our successes and the remaining gaps? I have seen articles that DHS has spent over \$40 Billion since its inception on grant programs most of which are aimed at preparedness. I want to make sure we can measure that effectiveness and assure the taxpayers of the value we are providing in our grant programs by demonstrating how these funds are helping state, local, territorial and tribal governments be better prepared and communities less vulnerable. If confirmed, in addition to assessing effectiveness and efficiency, I also want to be able to assure taxpayers that we are working to ensure that opportunities for waste, fraud and abuse are eliminated. If confirmed, I will work with FEMA leadership in consultation with the DHS Inspector General, GAO, and Congressional oversight bodies to improve the grants programs administered by FEMA.

Management, Accountability, and Oversight

44. What do you believe are the most important actions DHS should take to strengthen overall management of the Department?

If confirmed, I will continue the efforts I started while serving as the Chief of Staff regarding streamlining human capital processes, improving the morale at all levels, ensuring clarity at all levels with respect to the DHS mission and priorities, and working with Congress to redirect or eliminate non-mission critical work. In particular, I look forward to working with the Congress in addressing proposals for the reorganization of the National Protection and Programs Directorate. I also will take seriously the findings of the Department Inspector General and the GAO and maintain a rigorous system to track management issues and the implementation of corrective actions.

45. What steps do you believe that DHS can take to ensure federal funds expended by the agency are free from duplication and waste?

If confirmed, I will routinely be briefed by and work closely with the Component leadership, the CFOs and the Under Secretary for Management on expenditures and program outcomes, with a keen focus on removing any waste or duplication. Accountability based on clear objectives, assessment and metrics is key. As I mentioned in my responses about grant programs, overall, I believe we can do a better job of measuring the effectiveness and value of our expenditures. I also will take seriously the findings of the Department Inspector General and the GAO and Congress on waste, fraud, and inefficiency within the Department and work to eliminate the same based on those recommendations.

46. If confirmed, will you commit to reviewing any DHS programs that you believe could be eliminated because they are ineffective, duplicative, wasteful, unnecessary, or have outlived their purpose and report that information to Congress?

If confirmed, I am committed to this goal and look forward to working with the Congress, the Office of Management and Budget, the GAO and the Department's IG on this very important task.

47. How would you assess DHS's internal controls over financial reporting and what would you do to make sure DHS addresses any weaknesses?

Accurate financial reporting and internal controls have improved significantly since the beginning of the Department but further improvements must be made on the remaining weaknesses. Financial reporting and internal controls require constant attention and focus. If confirmed, I will have the Under Secretary for Management and the Chief Financial Officer brief me regularly with updates on the progress to address any material weaknesses in the annual financial audits and our reporting and internal controls.

48. Throughout its history, DHS has struggled with efforts to modernize and integrate the numerous financial systems on which the components operate. What do you see as the most viable path forward for DHS to develop real-time, accurate, and comprehensive data on its finances and to use this data to inform budget decisions and resource allocation?

If confirmed, I look forward to working closely with the Chief Financial Officer and the Under Secretary for Management, in conjunction with support from OMB, to ensure we have accurate information to inform the budget process and to make recommendations to this Committee and Congress on the most viable path forward for financial systems improvements.

49. GAO and the Inspector General have identified significant challenges in DHS's approach to information technology management at DHS components, such as U.S. Citizenship and Immigration Services. How would you approach addressing these challenges?

I have always, and if confirmed will continue to take very seriously the recommendations from the GAO and the Inspector General. When I was at TSA I created and managed the offices that work with GAO and the IG and it was always my goal to partner with them to improve the agency. Their reports and findings provide a roadmap to improvement. The Department has struggled in the past with various information technology initiatives and the management of our IT systems. Like much of the Federal government, we struggle to recruit and retain highly skilled technologists in career positions when competing with the private sector for talent. We therefore sometimes have to rely on contractor support for key information technology systems. If confirmed, I look forward to working with the DHS management team and Congress to identify ways we can address this management, from creative specialized recruitment and retention initiatives to better management of contract IT support.

50. What is your view of the role of the DHS Office of Inspector General (OIG)? Please describe what you think the relationship between the Secretary and the OIG should be. If confirmed, what steps would you take as Secretary to establish a working relationship with the Inspector General?

If confirmed, I look forward to developing a close, proactive working relationship with the IG. From my days working closely with the IG at TSA, I view a cooperative relationship with the IG's Office as an early warning system. Often, the IG can alert management to areas that require attention well before a full investigation and report is released. I will encourage all of the senior staff of the Department to similarly embrace and respect this important role.

51. The Inspector General Act places great weight on the independence of an Inspector General within a department or agency, yet also places the Inspector General under the general supervision of the agency head. How would you engage with the OIG under that framework?

If confirmed, I will meet with the Inspector General routinely. I will be cognizant that the IG has a unique responsibility and reporting responsibility unlike any of the other senior managers that report to the Secretary. There will be times I am sure when the IG will bring unpleasant facts to my attention and to the attention of Congress, but as long as we are both motivated with a desire to constantly improve the Department and protect the American people, I will strive to ensure my entire management team recognizes that our respective roles are complimentary rather than adversarial.

52. If confirmed, do you commit to ensuring that all recommendations made by the DHS Inspector General are reviewed, responded to, if necessary, and, unless the agency justifies its disagreements with the recommendations, implemented to the fullest extent possible within a reasonable time period?

Should I be confirmed, I will thoroughly review all recommendations made by the Office of Inspector General and take appropriate steps in light of my review. I cannot make any firm commitments in the abstract, before any specific recommendations are formulated and presented to me.

53. Protecting whistleblowers is of the utmost importance to this Committee:

- a. During your career, how have you addressed whistleblower complaints?

I have always followed the whistleblower protection laws, though to my knowledge I have never formally received a whistleblower complaint. If confirmed, I will lead by example, comply with all whistleblower, laws, rules and regulations and will be especially vigilant to the issue of management retaliation.

- b. How do you plan to implement policies within DHS to encourage employees to bring constructive suggestions forward without the fear of reprisal?

If confirmed, I will emphasize and continue the ongoing efforts by Acting Secretary Duke to engage all levels of employees at DHS with respect to suggestions for improvement. I believe it is vital to both mission success and to morale to foster an environment of trust and respect where voices have a safe place and way in which to be heard. Fostering an environment where employees can share constructive ways for improvement will be encouraged.

- c. Do you commit without reservation to work to ensure that any whistleblower within DHS does not face retaliation?

If confirmed, I will work to ensure that any whistleblower within DHS does not face retaliation, in accordance with all federal laws.

- d. Do you commit without reservation to take all appropriate action if notified about potential whistleblower retaliation?

If confirmed, I will take all appropriate action, in accordance with all federal laws.

V. Relations with Congress

54. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

If confirmed, I would comply without reservation.

55. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

If confirmed, I would without reservation.

56. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

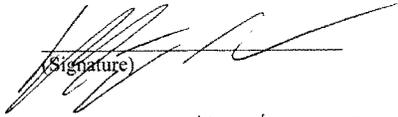
If confirmed, I would without reservation.

VI. Assistance

57. Are these answers your own? Have you consulted with DHS or any other interested parties? If so, please indicate which entities.

I have written, edited, reviewed and approved all of the responses in this document. In preparing responses to the questions posed to me in this document, I have relied on my own knowledge and professional experience, engaged in my own research, reviewed public statements of Administration officials and have received administrative assistance in finding various supporting documents and records from Executive Office of the President and DHS legislative affairs staff assisting with logistics support for my nomination.

I, Kirstjen Nielsen, hereby state that I have read the foregoing Pre-Hearing Questionnaire and each of the supplements and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.


(Signature)

This 2 day of November, 2017

**Minority
Supplemental Pre-Hearing Questionnaire
For the Nomination of Kirstjen Nielsen to be
Secretary, Department of Homeland Security**

I. Nomination and Conflicts of Interest

1. Has the President or his staff asked you to sign a confidentiality or non-disclosure agreement?

Since I joined the Trump Administration in January I have not been asked to sign any confidentiality or non-disclosure agreement.

2. Has the President or his staff asked you to make any pledge or promise if you are confirmed as Secretary?

No, other than to fulfill my duties with dedication, determination and resolve and never waiver in fulfilling my obligations to our citizens, laws and country.

3. During your tenure in this Administration, have you asked any federal employee or potential hire to pledge loyalty to the President, Administration or any other government official?

No.

II. Background of the Nominee

4. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country.

In general, I believe transparency to be a cornerstone of our democratic process. As such, I have often advocated for transparency over political concerns. For example, there was discussion at the time as to whether the White House Hurricane Katrina Lessons Learned Report should be made public. There were some arguing that perhaps the assessment might be more in depth if the report was not made public. My belief then and now is that it was important for State, local, tribal and territorial partners, private sector stakeholders and the American people to have the opportunity to understand what went wrong and what went right with the federal response.

I also believe in the importance of privacy and civil liberties and protecting Americans' personal information. While at the Transportation Security Administration, less than a year after 9-11, there were efforts underway to strengthen the way in which aviation passengers are prescreened. Given the threat we faced at the time and then fresh memories of the burning twin towers, there were arguments that the system we now know as Secure Flight should collect and utilize a vast array of personal information from the travelling public. In policy meetings and discussions with Congressional Committee staff, I urged we proceed with caution and use a risk based approach to determine both what information would yield the most effective verification of a traveler's identify and whether they were a threat, and the implications to a traveler's privacy. I advocated for TSA to utilize the minimum amount of data necessary to execute its aviation security mission.

Finally, post Hurricane Katrina, I believed strongly that it was in the best interests of the nation for the Federal Emergency Management Agency (FEMA) to remain within the Department of Homeland Security. It can be tempting politically after a major disaster to reorganize for the sake of appearing to 'do something'. FEMA, however, plays an integral role within DHS, and its sister agencies within DHS support and supplement FEMA in a way that would not be possible if the various components were not part of the same department.

5. If confirmed, what experiences and lessons learned since leaving DHS will you bring to the position of Secretary?

As White House Principal Deputy Chief of Staff, I have seen first-hand, at the highest level of the Executive Branch, the importance of a consistent, predictable, effective and efficient interagency policy process. It is also vital that authority, resourcing, operational information and institutional memory be provided from the Departments and Agencies to inform Presidential decision making. Policy cannot be made in a vacuum. It is similarly vital that the President be enabled to make informed decisions and staffing processes must enable varied voices to be heard and incorporated into policy position options. I also continue to see how robust and continual communication between the Executive and Legislative branches supports an effective legislative process.

6. What would you consider your greatest successes as a leader?

My proven ability to build coalitions of the willing consisting of diverse stakeholders activated towards achieving a common goal or mutually desired outcome - despite otherwise unaligned interests. I would also offer that my ability to assess and articulate the implications and potential long-term consequences of policy and strategy decisions on resourcing, authorities, roles and responsibilities, and operations has been a key to my career successes. Finally, staying true to my core beliefs and values and providing my best advice and analysis regardless of the popularity of my position.

7. What do you consider your greatest failure as a leader? What lessons did you take away from that experience?

I am very passionate about the mission and at times have put that before all else.

8. Please list the following information for your positions at Haynes and Boone, LLP; the Transportation Security Administration; the George W. Bush White House; Mannatech, Inc.; Civitas Group, LLC; McNeill Technologies/Civitas Group, LLC; Sunesis Consulting, LLC; Obsidian, A Cadmus Company; the Department of Homeland Security beachhead or transition team; the Department of Homeland Security; and the Donald J. Trump White House:

- a. Please describe your role and responsibilities in the position.
 - Haynes and Boone, LLP. I was an associate in the Corporate Practice Group and International Working Group. I negotiated and drafted documentation of acquisitions of both assets and stock of and by privately held and public companies, domestic and cross-border mergers, including mergers for cash and stock and forward and reverse triangular mergers and venture capital transactions including debt and equity financings. I represented emerging, privately held and public companies in general corporate and securities matters including corporate organizations

- and enterprise formation, Securities and Exchange Commission compliance, corporate governance, capitalizations and the adoption of stakeholder agreements and stock option plans
- Transportation Security Administration. I was the Senior Legislative Policy Director within the Office of Security Regulation and Policy. In that role, I created and managed the Office of Legislative Policy and drafted transportation security related legislation, Congressional testimony, and responses to hearing questions and participated in Congressional briefings. I also created and managed the TSA Liaison Office, served as the TSA liaison to the DHS Inspector General and the Government Accountability Office and coordinated all TSA-related audit inquiries.
 - George W. Bush White House. Please see my complete answer to question #7 of the Majority Questionnaire that fully describes my role and duties.
 - Mannatech, Inc. I purchased real food supplements (glyconutrients) from Mannatech on a monthly basis.
 - Civitas Group, LLC. I was the President of Homeland and National Security Solutions and General Counsel. I practiced general corporate and government contracting law on behalf of the company. I advised senior government officials on the development and assessment of strategies, policies, plans, and tabletop exercises to protect against, prevent, respond to and recover from all hazard events. I also advised senior executives of private sector companies, non-profit organizations and non-governmental organizations on the development and assessment of strategies, policies, plans, and tabletop exercises to prepare for all hazard events, and assessed their entity's level of preparedness.
 - McNeill Technologies/Civitas Group, LLC; I was a subcontractor to McNeill Technologies on a contract with the Defense Department. I provided consulting services related to the development of national security exercise scenarios and in the execution of exercises.
 - Sunesis Consulting, LLC. As President and Founder of Sunesis Consulting, LLC, I advised senior government officials and senior private sector officials on the development, assessment and execution of preparedness strategies, policies, plans, tools and tabletop exercises to prevent, protect against, respond to, and recover from all hazard events with a focus on cybersecurity, critical infrastructure and emergency preparedness and response. I also assessed and analyzed various entities' preparedness for all hazard events and developed recommendations to address any gaps or inefficiencies.
 - Obsidian, A Cadmus Company; I was a subcontractor to Obsidian on a contract with DHS. I provided consulting services related to the development of national security exercise scenarios and in the execution of exercises.
 - Presidential Transition Team (To be accurate I was not a member of the DHS beachhead team); I volunteered (uncompensated) with Trump for America, Inc. to assist the DHS Secretary nominee with the confirmation process. I began as an official volunteer on November 29, 2016 and assisted the DHS nominee through his confirmation process.
 - Department of Homeland Security. I served as the Department's Chief of Staff. In that role, I oversaw 240,000 employees, directly managed 65 people but had resourcing and budget related decision-making authority and responsibility for the Office of the Secretary and Executive Management, made up of ten offices, 585 personnel and with a budget of \$137 million (FY 2017 enacted). I served as the principal advisor to the Secretary on all Department risk, policy and operational issues, helped to stand up the new Secretary's office and to transition employees, programs and processes to meet the needs of the Secretary and the Trump Administration and

worked with the National Security Council and federal partners on interagency policy coordination.

- Donald J. Trump White House. I currently serve as an Assistant to the President and the White House Principal Deputy Chief of Staff. I manage the Office of the Chief of Staff, oversee policy development and implementation, and serve as the principal advisor to the Chief of Staff and a senior advisor to the President.
- b. Please describe who you reported to and where your position fit in within the hierarchy of the organization. Please include individuals to whom you directly reported and relevant dates.
- Haynes and Boone, LLP. 1999-2002. I was an associate and reported to various senior partners.
 - Transportation Security Administration. 2002-2004. I reported to Joe Hawkins, the Director of the Office of Security Regulation and Policy, which was within the Office of Transportation Security Policy at TSA.
 - George W. Bush White House. 2004-2007. I reported to Fran Townsend, the Homeland Security Advisor. I was part of the Homeland Security Council staff which at the time was housed within the White House Office, within the Executive Office of the President.
 - Mannatech, Inc. 1/1997-5/2005; 5/2007-2011. I purchased real food supplements (glyconutrients) from Mannatech on a monthly basis.
 - Civitas Group, LLC 2007-2012. I reported to the CEO of Civitas. I was a partner and part of the senior leadership team. I ran the government contracting business and the private sector preparedness business lines.
 - McNeill Technologies/Civitas Group, LLC. 5/2007-5/2010 I was a subcontractor.
 - Sunesis Consulting, LLC 2012-2017. I was the President.
 - Obsidian, A Cadmus Company. 2016-2017 I was a subcontractor.
 - Presidential Transition Team (11/29/16-1/20/17). Volunteer. I reported to Eric Ueland as a member of the “sherpa” team assisting with Cabinet confirmations.
- c. Did someone recruit you for the position? If so, please describe the process.
- Haynes and Boone, LLP. I participated in the law firm recruiting process during law school. A representative from Haynes and Boone came to campus and interviewed me. I then flew to Texas for an interview.
 - Transportation Security Administration. I was asked to interview for a job at TSA and participated in three interviews.
 - George W. Bush White House. I was asked to interview for a job within the White House and participated in three interviews.
 - Mannatech, Inc. My mother suggested that the products offered by Mannatech may support my health.
 - Civitas Group, LLC. I was asked to interview and participated in multiple interviews.
 - McNeill Technologies/Civitas Group, LLC. N/A
 - Sunesis Consulting, LLC. I am the founder.
 - Obsidian, A Cadmus Company. N/A
 - Presidential Transition Team. I volunteered to help with the Administration transition.

- Department of Homeland Security. General Kelly asked me to be the Chief of Staff of the Department.
 - Donald J. Trump White House. General Kelly asked me to be the WH Principal Deputy Chief of Staff.
- d. In this role, what was the largest number of people that you directly managed at any one time?
- Haynes and Boone, LLP: 1
 - Transportation Security Administration: 3-5
 - George W. Bush White House: 6
 - Mannatech, Inc. N/A
 - Civitas Group, LLC: 15
 - McNeill Technologies/Civitas Group, LLC: N/A
 - Sunesis Consulting, LLC: 12
 - Obsidian, A Cadmus Company: N/A
 - Presidential Transition Team: N/A
 - Department of Homeland Security: See my complete answer to Question #6 of the Majority Questionnaire
 - Donald J. Trump White House: See my complete answer to Question #6 of the Majority Questionnaire
- e. In this role, what was the largest number of people that directly reported to you at any one time?
- Haynes and Boone, LLP: 1
 - Transportation Security Administration: 3-5
 - George W. Bush White House: 6
 - Mannatech, Inc. N/A. See also my answer to Question #12 below.
 - Civitas Group, LLC: 15
 - McNeill Technologies/Civitas Group, LLC: N/A
 - Sunesis Consulting, LLC: 12
 - Obsidian, A Cadmus Company: N/A
 - Presidential Transition Team: N/A
 - Department of Homeland Security: See my complete answer to Question #6 of the Majority Questionnaire
 - Donald J. Trump White House: See my complete answer to Question #6 of the Majority Questionnaire
- f. Please describe the circumstances of your departure from the organization.
- Haynes and Boone, LLP. I moved back to DC in search of a way to help the federal government after the attacks of 9/11.
 - Transportation Security Administration. I changed jobs and took a position at the White House.
 - George W. Bush White House. I changed jobs and took a position in the private sector.
 - Mannatech, Inc. I no longer needed the supplements. See also my answer to #12 below.
 - Civitas Group, LLC. My business lines at Civitas were sold and I started a new company.

- McNeill Technologies/Civitas Group, LLC. N/A
- Sunesis Consulting, LLC. I was appointed as the DHS Chief of Staff.
- Obsidian, A Cadmus Company. N/A
- Presidential Transition Team. I was appointed as the DHS Chief of Staff.
- Department of Homeland Security. I changed jobs to work at the White House.
- Donald J. Trump White House. N/A

Ethics

9. During your tenure at TSA, the George W. Bush White House, the Department of Homeland Security or the Donald J. Trump White House, were you required to sign an ethics agreement(s)?

I do not recall having to sign any ethics agreement at TSA other than standard federal employment forms. I was required to sign the standard ethics agreement required of commissioned officers when I became a commissioned officer at the Bush White House. I signed an ethics pledge at DHS when I joined the current Administration, and have provided a copy too the Committee of the signed pledge. I signed an acknowledgment form of the standards of ethical conduct when I moved to my present position at the White House and have provided the Committee a copy of that signed form. I was not required to sign a separate ethics agreement at DHS when I became a member of the Trump Administration nor at the White House when I moved to my current role. The Committee has a copy of my signed OGE ethics agreement for the current nomination.

- a. If so, did you sign any such ethics agreement(s)?

See above.

- b. If so, please provide a copy of your signed ethics agreement or a description of the applicable provisions related to outside employment and restrictions on former officers, employees, and elected officials of the executive branch.

I have not retained a copy of the ethics agreement I signed as a commissioned officer at the White House in the Bush Administration. I do recall I had no "particular matter" restrictions based on my position at the White House. I have provided copies of the signed Ethics Pledge, the Executive Office of the President (EOP) "Employee Acknowledgment of Standards of Conduct Requirements" form, and the signed OGE Ethics Agreement related to my nomination to the Committee.

Federal Contracting Experience

10. In your biographical questionnaire, you describe several positions in which you worked as a "federal contractor." During the course of your tenure as a federal contractor did you consult, advise, assist or support any client in their interactions with the White House, TSA or DHS? If so, please describe that work.

For my clients who were prime contractors and for whom I worked as a subcontractor, I provided services pursuant to the federal contract. In performance of some contracts, I interacted with

government officials. I also supported some clients' (potential prime contractors) business development efforts by helping them understand mission requirements and in one case supported the drafting of an unsolicited proposal.

- a. Prior to or following your departure from the Bush Administration, did you consult with any federal ethics officials regarding how to comply with federal conflict of interest laws and guidance in your work in the private sector? If so, what advice, if any, did you receive?

As is customary, I received an ethics out brief from WH Counsel prior to departing from government service. I do recall a determination that I did not work on any "particular matter" that might additionally restrict my ability to work on particular federal contracts after my government service.

- b. During your tenure in the private sector did you consult, assist or otherwise work on any federal contracts or solicitations on behalf of an employer or client? If so, please list each client or employer, the contract, the contract number, the contracting agency, the amount of the contract and describe your work on the contract including whether your client or employer fulfilled the contract in its entirety.

I supported the development of proposals in response to various solicitations in accordance with formal teaming agreements with potential prime contractors and other subcontractors. Any records pertaining to federal contracts with my former employer Civitas are no longer available to me as they were the property of the company, which has ceased operations. At Sunesis, as a subcontractor, I was not privy to the overall prime contract information, only to the portion of work that was subcontracted to Sunesis.

I will provide a chart to the Committee that includes information on the two prime contracts that Sunesis held with the federal government. Additionally, I have attempted to provide on it the most complete list of federal work subcontracted to Sunesis, the prime contractor in each case, and the overall contracting agency or program.

- c. Were there any matters during your tenure in the private sector that you were recused from working on as a result of your prior work in the White House or at TSA? If so, please describe.

As is customary, I received an ethics out brief from WH Counsel prior to departing from government service. I do recall a determination that I did not work on any "particular matter" that might additionally restrict my ability to work on particular federal contracts after my government service and did not need to recuse myself from any particular opportunity.

- d. Were there any matters during your tenure as a federal employee that you were recused from working on as a result of your prior work in the private sector? If so, please describe.

I was mindful of and have abided by the Ethics Pledge I signed when joining the Trump Administration, I have provided the Committee with a signed copy of that document. During my tenure as Chief of Staff at DHS, I was aware of the recusals set forth in the Ethics Pledge that I signed potentially impacting my interactions with my former employer and clients. I was also aware of the potential recusals that might arise relating to government matters involving certain

organizations with which I had recently been an active participant. Other than a small number of requests for meetings and speaking engagements, which were referred to other DHS senior leadership, there were no other matters from which I was recused as a result of my prior work in the private sector. There were no particular matters that I was required to recuse myself from while working at TSA or the Bush White House or the Trump White House that I recall.

- e. During the course of your work in the private sector did you interact with White House, TSA, or DHS personnel on client or employer matters outside of contracting? If so, please describe.

I do not recall interacting with government personnel on client or employer matters outside of contracting. I occasionally spoke on panels with government officials and participated in think tank and subject matter expert discussions where government officials were present and/or participated. My other interactions with government personnel tended to be at occasional social gatherings of former and current personnel such as the "DHS Generations" events and did not concern client or employer matters.

White House (43)

11. During your tenure at the Bush White House, the United States experienced one of the most devastating natural disasters in its history in Hurricane Katrina.

- a. Please describe your position at the White House before, during, and after Hurricane Katrina. Please include details explaining your title, your responsibilities, and who you reported to, as well as a description of your role in the White House response to Hurricane Katrina and the drafting of the report titled: "The Federal Response to Hurricane Katrina: Lessons Learned."

Please see my response to the Majority Questionnaire # 7. I contributed to the Lessons Learned as a close observer of the federal response and as the Senior Director responsible for related interagency policy issues.

- b. How would you assess the Bush Administration's response to Hurricane Katrina? How would you assess your own performance as Special Assistant to the President and Senior Director for the Homeland Security Council in the Executive Office of the President during Hurricane Katrina?

I agree with, co-authored and edited the White House Katrina Lessons Learned Report describing what went right and what went wrong with the federal response and recommending ways in which the federal government's response can be more effective. While on the Homeland Security Council staff I was not part of the operational or tactical chain of command for DHS and FEMA relief efforts. Within my authorities and responsibilities as a Senior Director, I was effective in adjudicating interagency policy disagreements and in coordinating the resolution of open policy issues. As Senior Director, I chaired a call of White House personnel each day to describe the facts as we knew them, answer any questions, and "direct traffic", to include requests for assistance and additional requests for information, to the appropriate Department and Agency for action. I also chaired various Policy Coordinating Committees to identify and determine Administration policy on a variety of issues raised -- some for the first time, given the size and scope of the storm and the resulting damage. My goal was to support the DHS and other federal partners' operational efforts by convening and coordinating decisions regarding policy issues so

that the operators could focus on response and recovery operations. I also worked with Departments and Agencies to streamline information flow more generally so that our mutual situational awareness of what was happening was both accurate and timely.

Mannatech, Inc. (Mannatech)

12. According to your biographical questionnaire, you were an associate for Mannatech during your tenure at TSA and the White House. Did you request approval from your supervisors at TSA or the White House regarding your employment at Mannatech while serving in the government? If so, what was the response?

I purchased supplements from Mannatech on a monthly basis. I discussed my affiliation with Mannatech with TSA officials when I became an employee. No issue was raised. When I became a commissioned officer at the WH, I again reviewed with WH attorneys and, out of an abundance of caution, they asked if I would be willing to forego ordering supplements for the time during which I was a commissioned officer.

- a. During your tenure as a federal employee, did you sell Mannatech products to any other federal employees or recruit any other federal employees to become Mannatech associates? If so, please explain.

No

- b. During your tenure as a federal employee did you use any federal resources, including, but not limited to, official time, your government issued computer, your government issued phone or your government office to support your work as an associate for Mannatech?

No

- c. In 2008, Mannatech entered into an agreement to settle claims that the company allowed false claims to be made about the supplements. During your tenure at Mannatech, were you aware of allegations that the company allowed false or misleading claims to be made about its products? Were you aware of the settlement that resulted from this behavior? Why did you continue to work for the company until 2011?

I was not aware. I purchased supplements on a monthly basis from Mannatech until 2011 when I no longer needed them.

- d. According to your biographical questionnaire, you claimed a period of "unemployment" between June 1999 and August 1999 following your graduation from law school as well as between June 2002 and July 2002 following your tenure at Haynes and Boone, LLP. Both of your periods of "unemployment" overlap with a period when you worked as an associate at Mannatech, Inc. Please explain this discrepancy.

I purchased supplements from Mannatech on a monthly basis- I did not consider it 'employment' as I only used my associate membership to order products for personal use. Because I received a 1099 form from Mannatech pursuant to which I paid required taxes, out of an abundance of caution, I listed it on my biographic form to the Committee. Because I did not consider it to be

employment, I listed the time I was studying for my bar exam (in 1999) and the period during which I sought a federal job (in 2002) as periods of unemployment.

Civitas Group, LLC

13. Regarding your role as "President and General Counsel" for Civitas Group, please provide a copy of the K1 and partnership agreement for Civitas Group.

A copy of my 2014 Civitas K-1 has been provided to the Committee. Civitas Group has ceased operations and a copy of the operating agreement is not available to me.

Sunesis Consulting, LLC

14. Were you the owner of Sunesis Consulting, LLC company? If so, what was your ownership stake in the business and what was the ownership stake of any of your partners or investors?

I am, and have always been, the 100% owner of Sunesis.

15. Were any of the contracts that you worked on while with Sunesis awarded under a set aside? If so, please list which set aside.

Yes. Economically Disadvantaged Woman Owned Small Business

16. During your tenure at Sunesis, did you designate the company as a woman-owned or small disadvantaged business?

Sunesis was certified as an Economically Disadvantaged Woman Owned Small Business.

- a. If so, please identify the period in which the company maintained this designation.

2012-2017

- b. Please describe upon what basis Sunesis qualified as a woman-owned or small disadvantaged business under the applicable federal regulations.

Sunesis was certified as an Economically Disadvantaged Woman Owned Small Business under the appropriate regulations issued by the Small Business Administration.

- c. Was Sunesis certified as a woman-owned or small disadvantaged business by the Small Business Administration or any other agency? If so, please provide documentation confirming this designation.

Sunesis was certified as an Economically Disadvantaged Woman Owned Small Business. I have provided the Committee with a copy of documentation confirming the designation.

DHS Beachhead Team

17. You were identified as a member of the “beachhead team” for the Trump Administration at DHS. Did you serve on the “beachhead team” for DHS? If so, when did your tenure on the beachhead team begin and end?

I did not serve on the Department of Homeland Security beachhead team. Beachhead teams were individuals identified by the Presidential Transition to enter on duty at Departments prior to the confirmation of the Agency Head. I entered on duty with the Secretary as the Department’s Chief of Staff.

- a. As a member of the beachhead team, were you involved in the development or implementation of any proposed policy, legislative, or budget initiatives? If so, please list them and describe your role in the process.

I did not serve on the Department of Homeland Security beachhead team. I entered on duty with Secretary Kelly as the Department’s Chief of Staff.

- b. You also worked directly for former DHS Secretary John Kelly and advised him during his confirmation process to serve as Secretary of DHS. When did you begin that role? What did this role entail? Were you a DHS employee at this time?

I volunteered (uncompensated) with Trump for America, Inc. to assist the DHS Secretary nominee with the confirmation process. I began as an official volunteer on November 29, 2016 and assisted the nominee through the confirmation process. I supported the nominee as an uncompensated volunteer through Trump for America, Inc. and was not a federal employee during the transition period.

- c. Were you paid for your services on the beachhead team? What agency or entity paid you when you worked on the beachhead team or when you worked for former DHS Secretary Kelly?

I did not serve on a beachhead team. I entered on duty with Secretary Kelly as the Department’s Chief of Staff and was paid as a federal employee by the Department of Homeland Security.

Department of Homeland Security

18. In your role as Chief of Staff at the Department of Homeland Security:

- a. Did you divest from any of your financial holdings prior to beginning your employment with DHS in order to address actual and potential conflicts of interest?

No divestiture was required.

- b. What do you consider your greatest success and greatest failure in this role? What lessons did you take away from each experience?

I am proud of the team we assembled as part of the Trump Administration and the processes and procedures created to support General Kelly as Secretary. I am also proud of the relationship building activities and discussions with Mexico and Northern Triangle countries. There are

programs and initiatives that I had hoped to see reach fruition – should I be confirmed, I hope to continue them.

- c. In your capacity as DHS Chief of Staff, what inquiry or actions did you take with respect to the DOMino contract?

As best I can recall, I did not take any actions and do not recall making any inquiry with respect to the DOMino contract.

White House (45)

19. In your role as Principal Deputy Chief of Staff in the Executive Office of the President, what do you consider your greatest success and greatest failure in this role? What lessons have you taken away from each experience?

I conducted an assessment of the various policy processes in place and worked to streamline and align efforts and develop processes where needed so that Administration policy decisions are reached after a careful examination of related information and perspectives. See also my answer to question # 5.

20. Did you divest from any of your financial holdings prior to beginning your employment with White House in order to address actual and potential conflicts of interest?

No divestiture was required.

Positions Held Outside United States Government

21. Please describe your role and responsibilities in any positions hold outside of the United States government for the last ten years, including, but not limited to: (a) Res/CON, Greater New Orleans Inc; (b) Trump for America, Inc.; (c) World Economic Forum; (d) Cyber Institute, National Cybersecurity; (e) Center for Naval Analyses Safety and Security Advisory Board; (f) North Atlantic Treaty Organization (NATO); (g) World Economic Forum; and (h) George Washington University; among others.

Please see the detailed information I have provided to the Committee in my biographic questionnaire, which lists my affiliation with all of the above.

Accountability

22. During your career as a federal employee or as a member of the beachhead team, have you ever used a personal email account or device to conduct official government business?

Not to my knowledge.

- a. If so, please list in what government positions you have used a personal email account or device to conduct official government business, describe your general practice for doing so, and what specific steps you have taken to ensure that federal records created using personal devices and accounts were preserved.

In general, if I see that I have received an email on a personal account discussing official government business I forward the email to my work email address. If the official government communication is via text, I have taken a screen shot of the text and sent it to my work account.

- b. During your tenure as a federal employee or member of the beachhead team, have you used a smartphone app including, but not limited to, WhatsApp, Signal, Confide, and others that support encryption or the ability to automatically delete messages after they are read or sent, for work-related communications? If so, please indicate which application, when it was use, how often and with whom.

I have not used such apps to conduct official government business to my knowledge.

23. During your career, has your conduct as a federal employee ever been subject to an investigation, audit, or review by an Inspector General, Office of Special Counsel, Equal Employment Opportunity Commission, Department of Justice, or any other federal investigative entity? If so, please describe the review and its outcome.

I have never been the subject of such an investigation, audit or review to my knowledge.

24. During your career as a federal contractor, has your employer or a client been subject to suspension or debarment arising from a contract or solicitation that you worked on, been cited for failing to fully perform on a contract that you worked on, or received a less than satisfactory rating on any contract on which you consulted or performed?

No, not to my knowledge.

25. If confirmed, do you pledge to implement recommendations made by the Office of Inspector General, the Office of Government Ethics, the Office of Special Counsel and the Government Accountability Office?

Should I be confirmed, I commit to doing so. See, also my answer to Question #52 of the Majority Questionnaire above.

26. Please list any public social media accounts and their handles that you have used or maintained at any point during the past three years. This should include any public accounts bearing your name or an alias.

I have a public Linked In account in my name. I have an inactive Twitter account and have provided the handle to the Committee separately.

27. Have you ever received a formal performance review related to your management experience? If so, please list the position and describe the outcome of the review.

Not that I recall.

IV. Policy Questions

Management

28. What role do you believe the Secretary should have in reviewing or having input on executive actions or other administration policies that impact DHS?

I am a firm advocate of a robust policy process. I believe all Departments and Agencies with a potential role, responsibility or equity related to a policy issue should be included in the process to determine the Administration policy and have the opportunity to suggest revisions, additions and/or comments for consideration.

29. If confirmed, do you commit to ensuring that the DHS Privacy Office and the Office of Civil Rights and Civil Liberties are appropriately consulted on the review of DHS products such as guidance, protocols, and implementation memoranda?

I do commit to ensuring these offices are properly engaged. Please see also my response to Majority Question #24.

30. DHS is one of the largest governmental agencies, with the largest number of law enforcement personnel in the federal government and over 240,000 employees. Please describe in detail what management experiences qualify you to be Secretary of Homeland Security. Please include the date and duration of each experience, the number of individuals you supervised, and your role in coordinating their activities.

Please see my detailed responses to Majority question # 5 and #6 and Minority Question #8 above.

31. In many areas, the responsibilities of the Department intersect with those of other cabinet departments. For example, while the Secretary of Homeland Security and the Federal Emergency Management Agency (FEMA) are broadly responsible for coordinating emergency management and incident response activities, various federal departments, including the Department of Health and Human Services, Department of Agriculture, and Environmental Protection Agency have statutory requirements and lead roles based upon the unique circumstances of each incident. What experience do you have working across departments and components? Please provide unclassified examples of ways in which you were successful in coordinating a multi-agency approach to an issue.

Please see my detailed responses to Majority questions #5 & #7 above.

32. GAO and the DHS Office of Inspector General play important roles in assisting Congress in overseeing DHS operations and management. As Secretary, how will you work to ensure that GAO and the Inspector General have the access they need to carry out their evaluation, audit, and investigation functions?

If confirmed, I pledge to work closely with the GAO and the Office of Inspector General in their roles in assisting Congress in oversight of DHS operations and management. Please see my complete detailed responses to Majority questions #49-#52 above.

- a. Will you support additional resources for the DHS OIG to conduct oversight of disaster relief efforts in the wake of Hurricanes Harvey, Irma, and Maria?

If confirmed, I will give full consideration to any request by the IG for additional resources or reallocation of resources required for oversight of the Department's operations.

- b. Do you believe that when a Department's total budget authority increases, the budget for its Office of Inspector General should increase proportionally?

The Office of Inspector General should always be resourced to properly carry out the evaluation, audit and investigation functions it performs in oversight of the Department. If confirmed, I will give full consideration to any request by the IG for additional resources or reallocation of resources required for oversight of the Department's operations.

33. What do you consider to be the principal challenges in the area of human capital management at DHS?

I believe that human capital management strategies should comprehensively address technology, resource and policy/processes needs to ensure the recruiting, managing, and developing of employees are optimized. Should I be confirmed, one of the greatest challenges and opportunities in the area of human capital management at DHS is to ensure that the fine men and women of DHS have clarity of mission, are empowered to perform their duties, have all the necessary tools to do their jobs and are both held accountable and acknowledged for their performance. I see these actions as essential to strong job satisfaction and high employee morale. Another principal challenge is improving our ability to recruit, hire and retain talented people. We need to adapt our hiring systems to meet a rapidly changing hiring environment and identify innovative ways to attract key skill sets- such as those needed for the cybersecurity mission. If confirmed, I look forward to working with the Under Secretary of Management to align human capital objectives across components, the Chief Human Capital Officer and Department leadership as well as OPM, OMB and Congress on creative solutions.

- a. What new initiatives would you take, if confirmed, to identify and address the root causes of low morale among DHS employees?

I was thrilled to learn that DHS employee GSI rose 6 percent in the most recent FEVS survey. During my service as the Department's Chief of Staff, we initiated a leadership employee listening tour by the DHS Deputy Secretary. This tour reinforced the need for Department leadership to clearly articulate objectives, hold people accountable and acknowledge success. If confirmed, I look forward to fully re-engaging in this initiative to identify what the Department has learned and to develop specific implementation steps the Department can take on issues identified.

- b. What experience from your past positions best equips you to address workforce challenges at DHS?

I am honored to be the first former DHS employee nominated to lead the Department. My service at TSA, as the Department's Chief of Staff, and as the White House Principal Deputy Chief of Staff has provided me an extensive understanding of workplace challenges at a principal level and departmental and component levels. If confirmed, I will use these experience to identify, assess and address employee concerns and bring forward substantive solutions. I have found fostering an environment of respect and trust, providing ways in which voices can be heard and engaging with employees at various levels to be vital to identify and address workforce challenges.

34. DHS's CIO does not report to the Secretary of DHS. If confirmed as Secretary, will you elevate the role of the DHS CIO and ensure you have a direct line of communication with the Department CIO?

The Department's CIO is a Presidential appointment. I understand the President recently appointed an individual from the Defense Department as the DHS CIO with whom I look forward to meeting and working with, if confirmed. The CIO's job is extremely important at DHS at a time when we depend so much on technology for our mission and when our own networks and devices may be attacked. The DHS CIO, to be effective, must work closely with his or her counterparts at the components as well as with DHS's senior leadership team to include the Secretary. If confirmed, I would plan to have a direct line of communication with the CIO regardless of the formal reporting structure and would ensure that the CIO is also in close communication with the leadership at NPPD as they execute their mission to protection civilian federal networks. If confirmed, I plan to review the organizational chart as a whole in consultation with Congress and DHS leadership to ensure that it adequately enables and supports the missions, roles and responsibilities of DHS leadership and would certainly be open to considering any changes that may be necessary.

35. According to recent press reports, the White House hosted a reception for you following the President's announcement of his intention to nominate you to be DHS Secretary and the White House billed DHS for the cost. These reports also noted that some DHS officials expressed concern about being pulled from doing post-hurricane recovery work to attend this event.

There appears to have been some inaccurate press reporting on the funding of the announcement reception. As I understand it now, although a routine partial reimbursement request was sent in advance of the event via staff in White House management and administration to DHS and approved at DHS, DHS funds were not actually used to pay for the event. I am told it was paid for entirely out of the White House residence allowance for such events and there will not be any DHS reimbursement.

- a. Please list the names of any FEMA and DHS employees that attended the White House reception in your honor who have a role in the federal government's post-hurricane recovery efforts.

I did not have a role in organizing the event and did not see an attendee list. I understand that all of DHS senior leadership was invited per protocol, but that several who were most engaged on hurricane response efforts did not attend, including FEMA Administrator Long and Acting Secretary Duke who were in Puerto Rico at the time. There were two senior FEMA officials who attended the announcement event to my knowledge. Obviously, such attendance was voluntary and the leadership was invited as is traditional for a Cabinet announcement.

- b. Please list any other similar receptions that you've attended for President Trump's nominees for a presidentially appointed Senate confirmed position.

I have personally not attended any similar receptions since joining the White House at the end of July. Mine was the first cabinet level nomination to be announced during that time.

- c. As White House Deputy Chief of Staff or DHS Chief of Staff have you had a role in organizing any similar receptions that the White House has hosted for President Trump's nominees for a presidentially appointed Senate confirmed position? If so, please indicate which ones, and whether and how much the relevant agency was billed for the event.

I did not have a role in organizing this or any similar reception. As far as I understand, the Office of Presidential Personnel deferred to the White House Social Secretary's office to conform to protocol past practice because of the attendance of the President and First Lady.

36. While you served as Chief of Staff for then-Secretary of DHS John Kelly, please describe the Executive Order Task Force, its responsibilities, the number of DHS officials assigned to it, and your relationship with it. What were its accomplishments and how could it be improved?

The Executive Order Task Force was created to ensure that a dedicated group of personnel tracked the requirements of various Executive Orders which assigned roles or actions to DHS. The Task Force was created to work with and through the various DHS components to ensure effective and efficient Executive Order implementation. I do not recall the specific number of DHS officials assigned to it at any one time. I reviewed the Executive Order implementation status updates.

37. While working at the White House in this Administration, did you ever inform the President that a public statement that he made was inaccurate? Which one(s)? If not, why not?

In light of the confidentiality interests that attach to Executive Branch decision-making, I am unable to reveal the substance of conversations I had with the President or other presidential advisors during the course of my time at the White House. It is critically important, in my view, that the President is able to receive confidential advice without concern that the advice might later be divulged. I have always been honest and candid in my interactions with the President and will continue to do so as the Secretary of Homeland Security, if confirmed.

Federal Emergency Management

38. Do you believe that man-made climate change has contributed to the growth in the frequency, magnitude, and financial impact of natural disasters in recent years? If yes, please explain how FEMA can use this information to improve preparedness. If no, please explain why not.

I would not want to speculate on the science or causation of existing climate change, as I am not a scientific expert. But I know from experience that FEMA works very closely with interagency partners to include NOAA for weather disaster response and who pay close attention to weather patterns and trends. This relationship plays a critical role in allowing FEMA to enhance its preparedness for disaster response and relief. The modeling of storm paths and severity is just one example of how FEMA draws on its interagency relationships to improve its responsiveness.

39. In the span of four weeks, Hurricanes Harvey, Irma, and Maria brought unprecedented devastation to communities in Texas, Florida, Puerto Rico, the U.S. Virgin Islands, and surrounding areas. In early October, the deadliest series of wildfires in California history ravaged the state, causing more than \$1 billion in insured losses.
- a. Please describe your role in these recovery efforts in the current administration.

Prior to my nomination, as Principal Deputy White House Chief of Staff, my role during recovery efforts was to help focus White House staff in the appropriate policy councils on interagency

policy issues. I specifically sought to address unresolved or conflicting policy issues to enable federal departments and agencies to bring to bear resources to support state, territorial and local authorities as they took the necessary steps to begin the process of recovery. I also, on behalf of the Chief of Staff's Office, reviewed requests for Emergency and Major Disaster Declarations and related Administration recommendations.

- b. What is your evaluation of the initial interagency response to these four events?

The initial interagency response to these four events was positively influenced by lessons-learned from previous disaster relief and recovery efforts to include clear mission assignments and accountability for federal authorities, prepositioning commodities and rescue teams, robust federal interagency coordination, and reinforcement of the primacy of state, local, tribal and territorial governmental, and non-governmental authorities.

- c. What do you see as notable successes and failures by the Trump Administration and DHS regarding the initial response to these four disasters?

A distinguishing factor in this Administration's response was the strong partnership with and support for state, local, tribal and territorial authorities by federal government entities. The clear assignment of missions and flexible partnerships between and among levels of government enabled quick and thorough responses. The sheer magnitude of three hurricanes in a short period of time added to the complexity of response. If confirmed, I will review the gaps, overlaps, and vulnerabilities in the response to these disasters and any recommended corrective actions identified by the Administration and DHS as part of a formal lessons learned process. If confirmed, I will also look forward to working with the Committee and Congress to evaluate areas where DHS can continue to improve.

- d. In your view, was the timeliness of the federal government's response to Hurricane Maria adequate? Why or why not?

In my opinion, yes, the federal government's response to Hurricane Maria both before and after the hurricane hit was timely. Hurricane Maria presented some unique disaster relief and recovery challenges resulting from the magnitude of the storm, the logistical challenges presented by having to move all resources to an island by sea or air and then distributing commodities in the face of unprecedented destruction, and the severe devastation of the Commonwealth's aging power grid.

40. What do you believe the role of the federal government should be in long-term recovery efforts and what metrics should the government use to determine whether federal responsibilities have concluded for providing assistance after a natural or man-made disaster?

The role of the federal government in long-term recovery is established in both statute, through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and in doctrine, through the National Disaster Recovery Framework developed in pursuant to Presidential direction. Federal agencies participate in and support recovery planning, capacity building, and mitigation efforts through technical assistance, expertise, or other assistance as requested and needed. I would offer that it is

important for the Federal Government to encourage recovery actions that not only assist in immediate recovery needs but reduce future risk from hazards and increase resilience while remaining consistent with national laws and policies. With regard to metrics for determining when federal responsibilities to provide assistance have concluded, the duration and extent of federal support is determined in part by the scale and enduring impacts of the incident, on the ability of the community to sustain recovery efforts on its own, and in conjunction with requests from State, local, tribal and territorial governments.

41. To what degree do you believe the federal government should be financially responsible for restoring the power grid, repairing damaged water lines, and meeting other disaster-related needs in Puerto Rico?

As I understand it, under current law through FEMA's Public Assistance program, the federal government will reimburse the Commonwealth for expenses incurred in restoring the power grid, damaged water lines and other disaster-related needs in Puerto Rico to pre-hurricane conditions, meeting all applicable standards and codes. That reimbursement is generally subject to a federal/non-federal cost share.

42. Prior to the landfall of Hurricane Maria on Puerto Rico, were all buildings on the island inspected for safety? If so, by what entity?

In general, as local governments are responsible for setting and enforcing building codes, the question is probably best addressed to Commonwealth authorities. From a DHS perspective, FEMA does offer grants in the area of hazard mitigation to help address infrastructure safety concerns.

43. What steps should the federal government take, in your opinion, to ensure that infrastructure repairs made in disaster-affected communities are made to better withstand future disasters?

It is my understanding that the federal government is limited by existing authorities of the Stafford Act to repair infrastructure to a new standard of resilience. Funding is available to State and Commonwealth authorities to enhance resilience and fund hazard mitigation through such programs as the Hazard Mitigation Grant Program. If confirmed I look forward to working with State and Commonwealth authorities on the existing programs and with Congress on any additional necessary authorities.

44. What is your view of the "disaster deductible" concept, which would condition states' receipt of FEMA reimbursement on their ability to adopt specific mitigation and resiliency measures, such as updated building codes and stricter insurance requirements? If confirmed, will you support advancing the deductible concept through the federal rulemaking process?

If confirmed, I will work to better understand the details and policy and operational implications with this committee and other stakeholders before offering an opinion. In my experience, there are many factors that can contribute to state and local resilience and mitigation capability, and I would want to fully understand the implications of each before determining whether the proposal has merit.

45. Do you support repealing the Federal Flood Risk Management Standard? Why or why not?

I believe that federal infrastructure and investments should be protected from flood risk in a cost effective manner. The President repealed E.O. 13690 because of concerns from Congress and others regarding the overly burdensome regulatory process the E.O. had spurred. It continues to be important

for federal, state, local, and territorial governments as well as the private sector to make smart investments in resilience and to raise building codes and practices consistent with those interests. If confirmed I look forward to conferring with Congress and other stakeholders to ensure we effectively address flood risk.

46. The President's FY 2018 budget request, if enacted, would reduce funding for FEMA's Pre-Disaster Mitigation Grant Program by more than \$60 million and would completely eliminate the discretionary appropriation for FEMA's Flood Hazard Mapping and Risk Analysis (Risk MAP) program. What do you see as the federal government's role in funding pre-disaster mitigation activities and flood hazard mapping? Do you support reducing funding for these two programs? Why or why not?

The federal government should continue to support pre-disaster mitigation activities and flood hazard mapping, in concert with state, local and private sector partners. It is my understanding that difficult budget decisions were made based on an expectation that state and local authorities are today able to bear a greater cost burden given the considerable investment made in recent years in disaster preparedness, response and resilience efforts.

47. What is your position on the effectiveness of preparedness grant programs in preparing state and local first responders to prevent and respond to potential terrorist attacks?

Over time, preparedness grant programs have enhanced the capabilities of state and local first responders to prevent and respond to potential terrorist attacks. These capabilities have been shown to be effective during responses to events in Orlando and Las Vegas, as example. Please see additionally my complete responses to question #42 and #43 of the Majority Questionnaire.

48. What do you view as FEMA's role in providing emergency management education, training, and exercise programs to state and local first responders?

The federal government through DHS and FEMA provide emergency management education, training, and exercise programs to state and local first responders through grant programs as well as through direct technical assistance and training to state and local emergency management. I view this assistance as an important federal and DHS role in assisting first responders in their efforts to strengthen their capabilities to prevent, protect against, mitigate, respond to and recover from terrorist attacks, major disasters and other emergencies.

- a. Do you support the President's budget proposal related to the National Domestic Preparedness Consortium and to reduce funding for the Emergency Management Institute and Continuing Training Grants in FY 2018? Why or why not?

Yes. I believe the federal government should continue to support first responder training and exercises, in concert with state, local, and private sector partners. I also contend that decisions on reducing or reallocating grant funding in these areas require difficult budget choices balancing available federal resources with expectations that state and local authorities are today able to shoulder more of the responsibility given the considerable federal investment made in recent years in preparedness, response, and resilience capabilities.

49. On January 25, 2017, President Trump issued Executive Order 13767, "Border Security and Immigration Enforcement Improvements." The executive order instructs the Secretary of Homeland Security to take immediate steps to plan, design, and construct a physical wall along the southern border in order to "to obtain complete operational control, as determined by the Secretary, of the southern border." What does the term "complete operational control" mean to you, and, if confirmed, what additional steps would you recommend that Customs and Border Protection (CBP) take in order to obtain complete operational control of the southern border?

Complete operational control entails being able to detect, apprehend or deter any illegal border crossing or attempted crossing. While it is impossible to stop every illegal crossing and all illegal activity across the border, it is the mission of the Department to achieve and maintain a secure border. I understand that DHS is currently working on a number of strategic plans on border security to outline recommended actions, to include implementation of new technologies, personnel deployments and training to make significant strides in securing the border. If confirmed, I look forward to reviewing those plans and taking the appropriate steps.

50. Do you believe it is possible to end all unlawful entries into our country? Why or why not?

It is not possible to end all illegal crossings and illicit cross-border activity. That does not change the Department's core mission to secure the border and the imperative to take appropriate actions to achieve that end. If confirmed, I look forward to working with the hardworking men and women across DHS who share in that mission.

- a. If you believe it is possible, what manpower, infrastructure, and technology capabilities would be required to achieve such an outcome?

If confirmed, I look forward to reviewing the draft strategic plans and discussing with DHS leadership to understand operational perspectives and needs, and to better understand what can realistically be achieved, how quickly, and with what mix of resources in the view of our experts and then working with the Administration and Congress to close any gaps.

- b. Is there a point, in your view, where the costs of building additional infrastructure along the southern border outweigh in the benefits? If so, what is that point?

It is clear that additional infrastructure would strengthen the security of our border. I understand that CBP is undertaking a full assessment of every mile of the southern border to outline what additional infrastructure would be useful. This information will be provided to Congress in a number of required reports. I believe that additional infrastructure needs- in addition to other resources needed- should be identified by our operators who day in and day out work to protect unlawful entries. As part of that assessment, I understand the Border Patrol identified and prioritized the border wall requested in the fiscal year 2018 President's budget request. Should I be confirmed, reviewing their assessment and prioritization of investments will be one of my top priorities.

51. According to self-reported statistics, U.S. Border Patrol apprehended 408,870 illegal entrants along the Southwest border in FY 2016. That figure represents a 75% drop from FY 2000, when approximately 1.6

million illegal entrants were apprehended along that border. A September 2017 report by the Office of Immigration Statistics estimates successful illegal border entries fell from 1.8 million in 2000 to 170,000 in 2016 – a 91% decline. The report found that “the southwest land border is more difficult to illegally cross today than ever before.” Do you agree with the Office of Immigration Statistics’ assessment? Is the southwest border more difficult to illegally cross today than ever before?

I am not familiar with the OIS report but I generally agree that investments in infrastructure, personnel and technology over that time period have made it more difficult to illegally cross our southern land border. I also believe that the Administration’s focus on enforcing our immigration laws has deterred would-be illegal crossings and that deterrence, combined with the efforts of the men and women of DHS, has reduced the threats and vulnerabilities that we face at our borders. Despite that, our southern border is not fully secure as indicated by an uptick in recent border unauthorized border crossings and much more can and will be done.

52. According to the Drug Enforcement Agency’s 2016 National Drug Threat Assessment, the most common method Mexican transnational criminal organizations employ to illegally transport illicit drugs into the United States involves smuggling drugs in concealed compartments within passenger vehicles or commingling them with legitimate goods on tractor trailers and then driving them through land U.S. ports of entry. Would the physical wall that President Trump has ordered stem the flow of these illicit drugs that pass through land ports of entry? Why or why not?

Transnational drug cartels employ a number of means to smuggle drugs across our borders from hidden compartments to tunnels to ultralight and unmanned aircraft to small boats. I believe that a component of decreasing illegal activity is to continue to make it more difficult and more expensive for the criminals and perpetrators to conduct their illicit activity. A physical wall is not the sole investment necessary for border security, but it is a critical component to stemming the flow of illegal drugs into our nation. If confirmed, I commit to working with Congress and the interagency to further reduce the flow of illicit drugs into our homeland.

53. Do you believe that our nation’s ports of entry have adequate resources and manpower to prevent the illegal flow of drugs, contraband, and individuals posing security threats into this country?

How we resource the ports of entry requires additional focus to more effectively find the “needle” of hidden drugs or other contraband among the “haystack” of huge volumes of legitimate trade and travel. We want to impose greater security without ‘thickening’ the border in a way that is economically damaging. If confirmed, I look forward to reviewing the draft strategic plans to better understand what can realistically be achieved, how quickly, and with what mix of resources to better secure all of our borders in the view of our experts and then working with the Administration and Congress to close any gaps.

54. If confirmed, how do you plan to identify areas along the southwest border where additional infrastructure is required?

I understand that CBP is undertaking a full assessment of every mile of the southern border to outline what additional infrastructure would be useful. This information will be provided to Congress in a number of required reports. I believe that additional infrastructure needs- in addition to other resources needed- should be identified by our operators who day in and day out work to protect

unlawful entries. As part of that assessment, Border Patrol identified and prioritized the border wall requested in the fiscal year 2018 President's budget request. Should I be confirmed, reviewing their assessment and prioritization of investments will be one of my top priorities.

- a. How will solicit and consider input from the U.S. Border Patrol and individual Border Patrol sector chiefs be used to inform these decisions?

As I understand it, the Border Patrol sector chiefs along with their field personnel, are conducting the assessment referenced above. It is critical that those on the frontlines provide that input and if confirmed, I am committed to continually getting the perspective of and input from our frontline field supervisors and personnel to understand what tools they need to do their jobs.

- b. If confirmed, will you commit to providing all Committee Members with any and all requests from Border Patrol sector chiefs for additional infrastructure and technology along the southwest border that DHS has collected since January 25, 2017?

If confirmed, I will work with all Committee Members and Congress to provide any DHS legislative recommendations on resources necessary to secure our borders whether they originate with the sector chiefs or otherwise. Any such recommendations will be informed by collaboration within the executive branch and with all relevant stakeholders.

- c. If confirmed, will you adhere to the Border Patrol's Requirements Management Process and conduct a rigorous cost-benefit analysis, including a gap analysis, analysis of alternatives, and lifecycle cost estimate, before beginning construction on the physical wall that President Trump has ordered? Why or why not?

If confirmed, I look forward to being briefed immediately by the DHS border security team on the plans for managing and securing our borders. I believe that strategy has been informed by the Requirements Management Process referenced here but, if confirmed, I will seek to more thoroughly understand the linkage and the processes used to inform the strategy and wall construction.

55. If confirmed, will you support the use of eminent domain to seize private citizens' property to build the physical wall that President Trump has ordered?

The use of eminent domain is a last resort and, appropriately, requires significant actions by the government to execute to ensure protection of citizens' property rights. If confirmed, I will follow the law and judiciously utilize authorities under the law to secure our nation's borders.

- a. In your opinion, should private landowners be compensated for any devaluation of their land that would lie south of the wall as a result of border wall construction?

I believe there are legal processes in place to compensate landowners for a partial taking such as described above and if I am confirmed I will learn more about that process. I also understand in the past the Department worked hard with landowners to provide access to their property in cases where direct access was lessened or eliminated by infrastructure.

56. Please describe your views on the President's January Executive Order removing all priorities for ICE immigration enforcement. Should federal law enforcement dollars be prioritized toward the removal of criminals over families and nonviolent undocumented immigrants?

If confirmed, I will emphasize our duty to enforce the laws with which we are charged. I would also continue the prioritized use of ICE investigative techniques, resources, and legal authorities to identify, locate, investigate, arrest, and remove criminal aliens from the U.S. For example, this will include those accused of human rights violations, human traffickers, international criminal fugitives, gang members, illegal drug offenders and traffickers, and those fugitives ordered deported by federal immigration Judges.

57. Would you be in favor of a path to citizenship for the more than 700,000 current Deferred Action for Childhood Arrivals (DACA) recipients as a part of that legislative fix? Why or why not?

Congress has clear constitutional policymaking authority to change immigration law in order to develop a permanent solution for those individuals that were Deferred Action for Childhood Arrivals recipients. If confirmed, I will stand ready to work with Congress to provide any technical assistance needed towards a permanent, legal solution and towards enacting measures that enhance border security, interior enforcement, and our immigration system generally.

58. If there is no legislative fix to address the DACA program before it is phased out, do you commit that you will oppose DHS using information DACA recipients have provided to the government for enforcement actions against them if you are confirmed?

If confirmed, I will ensure that DHS continues to follow the law, including federal court decisions. As I understand it, since the beginning of the DACA program, information obtained from someone with deferred action has not been provided proactively except in specific circumstances such as when the individual poses a risk to national security or public safety. Should I be confirmed, I will quickly and more thoroughly assess this issue. I will also stand ready to work with Congress to provide technical assistance necessary to formulate a permanent legal solution for DACA recipient.

- a. If so, how will you ensure this opposition is communicated and reinforced throughout the agency?

If confirmed, I will ensure DHS follows the law with regard to DACA information.

59. As recently as 2010 there were over 16,000 non-citizen immigrants serving in the United States military, making up 1.4% of the enlisted force. Do you support the enlistment of non-citizens into the United States military?

I believe this may more appropriately be a question addressed to the Department of Defense. If DoD sees the continued benefit to recruit non-citizens who are here legally in order to meet manpower and mission needs that cannot be met by recruiting U.S. citizens alone, then if confirmed I would fully support the determination by the Department of Defense and work with Secretary Mattis to ensure DHS fully supports the DOD mission.

- a. In June 2002, President Bush issued an Executive Order expediting the naturalization of non-citizens serving in active-duty status in the war on terror. Do you support the expedited naturalization of non-citizens that serve in the United States military?

I do. I believe the standard is that they must complete their service obligations and serve honorably to enjoy expedited benefits.

National Security

60. The nation faces a wide range of threats, but DHS has finite resources to address them.

- a. If confirmed, what principles will guide your decision-making regarding the use of risk-analysis and risk-based resource allocation to set priorities within the Department?

Under my leadership, the Department would prioritize actions in a risk-based, intelligence-driven manner. DHS cannot promise 100 percent security in all threat vectors at all times- we cannot protect everything, everywhere, all of the time and we cannot do it alone. We can focus our resources on risk (threat, vulnerability and consequence) and results and consider what tools, resources, authorities, capabilities, capacity, knowledge and expertise we can bring to bear throughout the ecosystem- from all levels of government, the private sector, and international partners. In short, DHS will focus on doing what we do best and partnering for the rest. And we will work to stay a step ahead of our enemies through incisive strategic forecasting.

- b. How will you determine if some threats or events require enhanced emphasis and investment or have already received sufficient focus?

First, I will be focused on integrating intelligence and operations. We must constantly evaluate what we are doing against the threat information, as well as what our people are seeing—and anticipating—on the front lines. If confirmed, I will actively push this mindset to shape a more agile Department that is operator and requirements driven. We should be unafraid to admit when we have discovered new vulnerabilities and confident enough to determine when a risk has been sufficiently mitigated. Second, I will commit to ensuring we have the right experts in the right positions at the right time. We need experienced leaders who understand the risk-based mentality I described in my previous answer and who are prepared to execute. I will rely on them, and our professional men and women in the field, to make sound judgements in responding to threat streams and incidents.

61. DHS plays a central role in the multi-Department effort to share terrorism-related information both within the federal government as well as state, local, tribal, private sector, and even international partners. A recent report by the House Homeland Security Committee found that while DHS has made important progress, the Department's intelligence enterprise remains scattered and all too often uncoordinated across and sometimes within its various components.

- a. What plans do you have to improve coordination and coherence across DHS's various intelligence offices and programs?

As noted, I will focus on integrating intelligence and operations. To date, I believe such efforts have been uneven across DHS. If confirmed, I will make it a top priority to ensure the Office of Intelligence and Analysis is equipped not only to drive headquarters actions and threat mitigation but that it is appropriately collaborating with—and providing support to and receiving requirements from—DHS operating components. The Department’s intelligence enterprise has come a long way since its creation. The next step in its evolution is a new level of integration. I commit to working with Under Secretary Glawe to ensure intelligence integration across the Department. I will also seek to optimize the Department’s intelligence footprint to ensure we have the right resources and personnel where we need them.

- b. How do you envision DHS working with its partners in the federal intelligence community to ensure that terrorist-related information is both appropriately shared and protected from unwarranted disclosure?

It was clear during my most recent tour of duty at DHS that our coordination with other members of the Intelligence Community (IC) has never been better. DHS partnerships across the IC are deep, enduring, and most importantly, effective. I helped advance those efforts during my previous service, and I will prioritize ever-closer partnerships to ensure we are leveraging all appropriate information to connect dots, detect threats and keep them from undermining U.S. homeland security. That said, the post-9/11 shift from a “need-to-know” to a “need-to-share” mentality came with attendant risks. Chief among them is a higher risk of unauthorized disclosure. If confirmed, I will assess our information security practices, insider threat programs, and counterintelligence activities to make sure our defensive programs are keeping pace with our adversaries and the digital age. At the same time, we must address instances of over classification to ensure that stakeholders have information they need.

62. In 2015, DHS stepped up its efforts to counter violent extremism (CVE) within the United States through its Office of Community Partnership. The office was intended to support innovative locally based programs to counter violent extremism and to build relationships and promote trust with local communities. GAO recently reported that, of the 85 violent extremist incidents that resulted in death since September 12, 2001, radical Islamist violent extremists were responsible for only 23 of the incidents, accounting for 27%. The remaining incidents involved, white supremacists, anti-government, or other violent extremists.

- a. To what extent would you support the department changing its approach to CVE and refocusing its efforts to include challenges by white supremacists, anti-government, or other violent extremists?

DHS is focused on combating all forms of terrorism and violent extremism. And the Department aggressively pursues prevention activities to keep Americans from being radicalized and recruited to violence. If confirmed, I will continue this approach to mitigate both international and domestic terrorism and violent extremism in a risk-based, intelligence-driven manner.

- b. Recipients of CVE grants have ranged from community-based organizations to law enforcement agencies. What do you see as the role of law enforcement in CVE efforts and how will the department’s approach reflect that?

Both community organizations and law enforcement play a critical role in helping to detect and disrupt potential terrorist activity. DHS is currently undertaking an ongoing review of terrorism

and violent extremism prevention related activities, which is focused in part on how to better support our frontline defenders. If confirmed, I look forward to assessing the recommendations of this review and determining whether to make any additional adjustments to DHS activities in this space. In general though, DHS and our interagency partners rely heavily on our frontline defenders to detect and disrupt suspicious activity, and the security of our homeland depends on close relationships between law enforcement and the communities in which they serve.

- c. What additional steps or resources, if any, are needed to bring greater cohesion and clarity to DHS's work in this realm?

If confirmed, I will make sure DHS elevates and enhances its terrorism prevention efforts to ensure they are commensurate with the serious threat facing our country. As noted, the Department is currently reviewing its terrorism prevention and CVE-related activities, which I anticipate will result in resource and programmatic recommendations. I will consider these recommendations to ensure the Department optimizes its efforts to keep Americans from being radicalized and recruited by terrorists.

63. The CVE Grant Program was created to assist states, local governments, and nonprofit institutions in enhancing the resilience of communities targeted by violent extremists, providing alternatives to individuals who have started down the road to extremism, and creating or amplifying alternative messages to violent extremist recruitment and radicalization. Do you support the CVE Grant Program? Why or why not?

Congress created the CVE Grant Program to serve, in part, as a test bed to identify promising approaches to combat terrorist radicalization and recruitment in our homeland. If confirmed, I will ensure that DHS performs a preliminary assessment on the results of the grants at the appropriate time to determine which approaches have been effective, which have not, what we can learn from pilot efforts, and whether to make additional terrorism-prevention resource decisions based on the data.

- a. If confirmed, what steps will you take to prevent vulnerable populations from falling prey to recruitment propaganda from domestic and international terrorist organizations?

If confirmed, I would be forward leaning in driving DHS terrorism prevention activities and programs, including through proactive intelligence sharing, state and local outreach, and enhanced engagement with at-risk communities targeted by terrorists. Specifically, I would ensure DHS continues to look at ways to improve education and community awareness, to actively counter terrorist recruitment—including through counter-narratives and the amplification of credible voices, and to put in place better early warning mechanisms to more quickly detect and disrupt suspects that have radicalized to violence.

64. DHS' Science and Technology Directorate has managed and funded laboratories that support the work of the homeland security enterprise. The FY 2018 budget request defunded three labs run by S&T - the National Biodefense Analysis and Countermeasures Center (NBACC), the Chemical Security Analysis Center (CSAC) and the National Urban Security Technology Laboratory (NUSTL). In your view, what steps are needed to ensure that the country is better prepared for naturally occurring or manmade biological threats?

America faces a real and evolving threat from naturally occurring and manmade biological threats. In particular, we are witnessing alarming trend lines in terms of life-sciences advancements that could be exploited by nation-state adversaries and non-state actors. As I understand it, the Administration is currently developing a new, National Biodefense Strategy, and I expect DHS to play a significant role in its development and execution. A number of other federal agencies have capabilities, expertise, and responsibilities in preparing for, detecting, and responding to biological threats, and I am hopeful that we can better integrate those efforts with a whole-of-government strategy. If confirmed, I will seek updates on DHS efforts as part of the strategy development and provide strategic direction to ensure this remains a top Department priority. In general, I also plan to continue driving crucial DHS efforts to streamline and elevate the Department's programs to counter weapons of mass destruction.

65. Over the past number of years, we have seen many instances both at home and abroad where extremists target locations that are "soft targets" such as venues with little security or where large numbers of people gather. If confirmed, what will you do to help secure and protect soft targets and non-sterile areas such as transportation hubs, concert venues, malls, etc.?

As we are reminded again with the recent tragic events in New York City and Las Vegas, our open society creates vulnerabilities that are cruelly exploited by those who seek to do us harm. Groups such as ISIS and al Qaeda are actively promoting "do it yourself" terrorist tactics against public spaces and large venues using easy-to-access materials and makeshift weapons. This creates challenges for the national security community and our first responders. But there are a number of important steps we can take and I would pursue should I be confirmed. First, we must be proactive in sharing information with our partners about emerging threats, attack methods, warning signs, and mitigation measures. This also includes greater public awareness, like our "See Something, Say Something" campaigns and suspicious activity reporting. Second, DHS must continue to emphasize education and training for states and localities, first responders, the private sector, and the general public, including through active shooter programs and exercises, and evacuation and shelter in place planning. Third, sharing threat intelligence is essential, and I will focus on making sure we get actionable tailored information about suspects, plots, and incidents to the right stakeholders in near-real-time where possible. Fourth, we should continue to support large venue owners and operators by advising them on near and long-term way to harden security and on how they can put in place agile protective measures. Fifth, I will ensure DHS personnel are deployed effectively to protect significant events, where appropriate. Finally, if confirmed I will work to make sure the extensive activities DHS performs in this space are better synchronized internally, that we improve our coordination in the interagency to avoid waste, overlap, and duplication while maximizing our security assistance programs, and strengthen our partnerships with critical infrastructure owners through the important work of NPPD.

Cybersecurity

66. Today there are more than 20 agencies across the federal government with roles and responsibilities associated with U.S. cyber capabilities. What role do you believe the Department should play in this ecosystem? Please describe your understanding of the Department's responsibilities for cybersecurity.

Please see my answers to questions #37, #39, and #40 in the Majority Questionnaire.

67. There is an effort underway in Congress to reorganize the National Protection and Programs Directorate (NPPD) at the Department to better align the organization with its mission to work with industry and help

protect critical infrastructure. What is your vision for cybersecurity and NPPD at the Department? Should NPPD be an operational agency with a name that more adequately reflects its cybersecurity mission? Do you intend to use Section 872 authority to restructure NPPD?

If confirmed, I commit to consulting Congress to ensure NPPD is appropriately structured to execute its critical mission.

- a. What is your vision for NPPD at the Department? Should NPPD be an operational agency with a name that more adequately reflects its cybersecurity mission?

I am a firm believer that organization directly affects the ability of an entity to perform its mission effectively and efficiently. Should I be confirmed, I will work with NPPD leadership to assess needs, overlaps, gaps, and areas for improvement and determine how to optimize and strengthen the organization. In general, I do believe that the DHS role in cyber and critical infrastructure security and resilience is an operational role. I also believe that the current NPPD name is not sufficiently or accurately descriptive to enable stakeholders- federal, international, state, local, tribal and territorial governments and the private sector- to understand its purpose or mission. This limits the ability of DHS to conduct effective outreach and engagement- a key component of building partnerships. Please also see my answer to related questions below and in the Majority questionnaire.

68. How will you address the challenge of recruiting and retaining the necessary personnel with critical cyber security expertise?

It is my understanding that DHS has partnered with a variety of entities to include nonprofits, all levels of educational institutions and school boards across the country to encourage the teaching of cybersecurity concepts. DHS has also partnered with the nonprofit National Integrated Cyber Education Research Center (NICERC) to provide cybersecurity curricula and teacher professional development. I have also applauded DHS efforts in sponsoring the CyberCorps Scholarship for Service which provides scholarships towards cybersecurity degree programs in return for service in Federal, State, local, or tribal governments upon graduation. Should I be confirmed, I would look to strengthen and expand DHS' efforts in collaboration with other federal partners and the Administration's overall STEM efforts to recruit and retain cybersecurity personnel. I would also look to identify opportunities across the existing talented DHS workforce and provide training opportunities to enhance cybersecurity expertise. I believe a clearly articulated mission and adequate tools and resources supports strong recruiting, and the ability to grow in one's job and have access to continual training and education supports retention. Recognizing the importance of this issue as a cornerstone of DHS cybersecurity efforts, should I be confirmed I would assess current efforts and work with Department leadership to strengthen related campaigns and programs. Finally, if confirmed, I look forward to working with Congress and OPM to ensure we are fully utilizing the unique hiring authorities granted to the Department for cyber security efforts.

69. Please describe your views on the appropriate role of private sector entities in working with DHS to improve our nation's cybersecurity.

To name a few: Private sector entities simultaneously support their own, their sector's and our national cyber security and resilience when they share threat indicators, actual and potential vulnerabilities and

an understanding of possible consequences upon a successful cyberattack with DHS and other federal partners. As discussed throughout, cybersecurity is a team sport - we must partner and work together to prevent when possible and to respond to, recover from, and mitigate the persistent attacks. In addition to sharing information, private sector partners can provide key operational context to help DHS and other federal partners understand how cyberattacks may manifest, what assets, systems and information are critical and whether any redundancies are built into systems. In today's threat environment, your risk is my risk-in raising the security and resilience bar for its own entities, the private sector helps raise the bar for the Nation as a whole. Finally, the private sector plays a crucial role in helping DHS and federal partners understand supply chain risks and to close gaps and address areas of concern.

70. Do you agree with the U.S. Intelligence Community's assessment that the Russian government interfered in the 2016 U.S. Presidential election?

I have no reason to disagree with earlier assessments of the Intelligence Community.

a. If so, does the President's dismissal of those facts concern you?

The President has publically stated that he agreed that Russia was behind the email hacks.

b. Do you think the DHS designation of election infrastructure as critical infrastructure should stand?

The Election Infrastructure Subsector was established in January of this year. As I understand it, the Election Infrastructure Subsector Government Coordinating Council (GCC) has been established to further the partnership between federal, state and local partners and to develop and strengthen information sharing protocols and processes, including providing Security Clearances to Chief Election Officials. DHS, and NPPD specifically as the sector-specific agency, continues to provide guidance and assistance upon request to state and local election officials. I believe the designation of election infrastructure as critical infrastructure serves to underscore and formalize the support, services, and data provided by DHS to its election related partners.

Transportation Security

71. Under the President's FY 2018 budget, Visible Intermodal Prevention and Response (VIPR) teams would be reduced by \$43 million in the FY 2018 budget, reducing the number of teams from 31 to eight.

a. What do you see as the role and value of the VIPR teams?

I believe it is important that the Department have some specially trained personnel who are deployable anywhere for enhanced deterrence or response to threats against critical mass transportation modes. The Visible Intermodal Prevention and Response (VIPR) teams of TSA serve that role. If confirmed, I look forward to regularly reviewing with the TSA Administrator the resource balance between TSA personnel dedicated daily to a certain location and deployable teams to ensure we are maximizing value.

b. Are you concerned that this reduction will impede TSA's ability to detect and thwart attacks at transportation hubs and airports?

A core component of TSA's mission from its earliest days, when I proudly served there, is providing effective screening against threats to aviation, and they have done that and continue to do so on a daily basis in hundreds of airports, many of which seldom see a VIPR team. The primary security and law enforcement response at airports everywhere around and outside TSA checkpoints is local municipal or transit authority police. So I do not believe that changes in VIPR team deployments "impede TSA's ability" to respond to aviation threats. For other modes of transportation, I think it is about finding the right balance between what TSA can do directly by deploying specialized personnel and what we should do by offering support, training, and technical assistance to the local or transit authority or port authority law enforcement agency that has primary responsibility and jurisdiction. I know in part due to evolving threats to aviation the budget also prioritized investments to meet that threat including by continuing to increase TSA's canine teams. If confirmed, I will work with the resources and means provided by Congress to advance the very best security capabilities possible in the protection of our transportation systems.

72. Under the President's 2018 budget proposal, there was a proposal to completely eliminate the Law Enforcement Officer Reimbursement program which helps to offset costs primarily for small and medium sized airports for federally mandated security services in airports.

- a. What do you see as the role between DHS and its partnership with state and local law enforcement officials?

State and local law enforcement are on the frontlines in securing the homeland and their support across our mission areas is indispensable. DHS in turn has programs that provide significant resources and capabilities to state and local law enforcement partners through grants, training, exercises, and operational support.

- b. Are you concerned that the proposed cuts to programs such as this one would hinder DHS's ability to effectively collaborate with state and local entities?

No, overall I believe DHS still has numerous other ways to offer assistance to, and collaborate with, state and local entities including other grant programs.

73. Within TSA operations, aviation security gets a lot of funding and attention, while surface security—including passenger rail and mass transit—receives about 3 percent of TSA's budget. Yet the nation's surface transportation system is inherently vulnerable to attack, given its very design. If confirmed, do you plan to shift the level of attention and resources between aviation and surface transportation security?

As I noted in response to Question # 71(b) above, TSA's core mission is still aviation security where we have clear primary responsibility. For other modes of transportation, I think it is about finding the right balance between what TSA can do directly by deploying specialized personnel and what we should do by offering support, training, and technical assistance to the local or transit authority or port authority law enforcement agency that has primary responsibility and jurisdiction.

74. A September 2017 GAO Report found that TSA needs to do a better job of systematically measuring the cost and effectiveness of passenger aviation security countermeasures. What is your assessment of TSA's ability to conduct cost/benefit analyses related to passenger aviation security countermeasures?

I am not at this time familiar with that particular report, but if confirmed will review the GAO report and recommendations and discuss with TSA leadership in order to gain an informed assessment.

Acquisitions

75. In examining the Department's management of its major acquisitions, GAO has found that DHS has made noteworthy efforts to improve performance of its acquisition programs. However, these programs continue to face challenges with cost overruns and schedule slippage. What can the DHS Secretary do to ensure that major acquisitions meet performance goals while remaining on schedule and within projected costs?

- a. If confirmed, how will you hold program offices accountable for sound acquisition practices?

Generally, should I be confirmed, as I said in earlier responses, it would be my job to serve as an example of professionalism, hard work, and dedication to the mission. Employee morale surveys have repeatedly shown that the people of DHS are inspired by and motivated by the mission. It is important for all who serve in mission support roles - such as acquisitions - to understand how their jobs further that compelling mission.

It is also important to set priorities and utilize end-user and risk based requirements so that the major acquisition programs address what the operators truly need. Where requirements are set appropriately and leadership holds regular updates holding staff accountable, issues can be addressed earlier and programs can remain on track. Such updates should also be provided to potential contractors and vendors. The development and assessment of performance metrics could help identify areas for needed improvement. Finally, I would look to ensure acquisition practices at DHS include robust and periodic training to include program management and market research. If confirmed, I look forward to working with Acting Secretary Duke and Under Secretary Grady to leverage their expertise in federal acquisition.

76. What experience do you have in acquisition policy and management that would guide you in the role of Secretary? Please distinguish between private sector and public sector experience.

I believe that I bring a unique mix to the role in that, if confirmed, I believe I would be the first Secretary to have both served in the Department utilizing contractor support and to have been a small business contractor and subcontractor to the Department from the private sector. I am aware of the frustration frequently voiced by operators and mission owners within the Department that the acquisition process is often too cumbersome to meet their needs and does not move at the speed of evolving threats. From my time in the private sector, I am aware of how opaque and bureaucratic it can be for businesses, especially small businesses, to find information about the Department's needs and respond to opportunities. Large-scale acquisition cancellations and lengthy periods between proposal submission and award can result in large unanticipated costs to private vendors. Also, too often small businesses who may have valuable expertise, innovative technology or needed services to share with the Department give up on trying to figure it out before DHS can ever learn about them. Should I be confirmed, I will work with the Under Secretary of Management and acquisition personnel throughout the Department to refine current processes so that they are more transparent, agile enough to address

both changing threats and the pace of technology, end-user requirements driven, based on market research, and are based on a clear milestone based acquisition strategy that is communicated early and frequently to potential contractors.

77. There is a lack of comprehensive data on the true cost of contractors and agencies do not conduct cost-benefit analyses to better understand whether services should be performed by federal employees or contractors. DHS previously adopted the Balanced Workforce Strategy but the effort is incomplete without data. How would you achieve a balanced workforce? What efforts would you take to better understand the true cost of contracting for services?

As a taxpayer and federal employee, I believe it is a core responsibility of every Department and Agency to consistently assess how to derive the best value and use the appropriate balance of employees and outside contractors to best perform and support roles. If confirmed I would work with the Deputy Secretary, the Undersecretary for Management, the Department's acquisition and procurement and budget experts to review what data DHS currently obtains to assess value, conduct market research to understand the scope and availability of private sector tools and solutions, and to determine how we can do more to enhance our efforts to best achieve a balanced workforce of government employees with contract personnel.

Secret Service

78. Recently, the U.S. Secret Service (USSS) has suffered a number of scandals and security breaches, most notably when an intruder was able to jump the fence and enter the White House unimpeded. While USSS has undertaken a series of reforms, there is still clearly a great deal of work ahead before it can regain the same level of trust and esteem it used to enjoy. What, in your opinion, are the main problems and challenges at the Secret Service. What should be done to address those problems and challenges? How long will it take to repair the damage from recent years?

My own personal experience with the U.S. Secret Service, at the Department and now at the White House, inspires a great deal of trust, confidence and esteem. These men and women are some of the finest, most professional, dedicated law enforcement agents, officers and public servants I have ever had the honor to serve with. It troubles me that those fine men and women suffer when any incident involving the Secret Service, no matter how minor, is now sensationalized and can be taken out of context. In terms of challenges, the Service needs time and resources to train, dedicated career paths and retention strategies and incentives. They also should be equipped and drive adoption of the best available technology. Should I be confirmed, I will also work with Congress to ensure that the Service can get paid for the work they do. I would also continually seek out information from the front-line agents and officers of the Service to ensure they remain an elite organization with a strong culture of excellence.

Whistleblower Protections

79. If confirmed, how will you ensure that whistleblower complaints are properly investigated and what specific steps will you take to ensure that DHS employees feel free to report waste, fraud, and abuse to senior Department leadership, including you, the Inspector General and to Congress without fear of reprisal?

I have myself always been, throughout my government career, a person who "speaks truth to power" even when the truth is uncomfortable. If confirmed, I will encourage the same candor from

subordinates, and expect that managers will foster an environment of trust and respect and will listen to any employee concerns and take actions to address them. Overall, we must foster a culture at the Department that encourages the same "see something, say something" attitude of vigilance we promote to the public and safeguard those who do come forward in compliance with whistleblower laws and regulations. If confirmed, I will continue to follow these laws and in my position will be especially vigilant to the issue of management retaliation, and will partner with the IG to ensure that all complaints are properly investigated.

80. There have been several egregious examples at the Transportation Security Administration where managers found to have retaliated against whistleblowers were not sanctioned or held accountable, even when the Office of Special Counsel was able to obtain a settlement for the whistleblower. What actions would you take in such situations to ensure that any manager or supervisor that retaliates against a whistleblower is held accountable?

If confirmed, I will do my utmost to ensure that any whistleblower does not face retaliation, in accordance with all federal laws. I am not briefed on the complete facts in the cases referenced above, but I would take seriously any such finding and demand accountability and consequences for supervisors who engage in retaliation.

81. The Inspector General has recently substantiated whistleblower retaliation cases at the Secret Service and Customs and Border Protection. What will you do to ensure that these, and other whistleblowers, receive the remedies they are entitled to?

If confirmed, I will do my utmost to ensure that any whistleblower does not face retaliation and receives the remedies to which they may be entitled, in accordance with all federal laws. I am not briefed on the complete facts in the cases referred to above, but I would take seriously any such findings, work to address them with Director Alles and Acting Commissioner McAleenan and ensure there is accountability and consequences for supervisors who engage in retaliation.

Congressional Relations

82. On what basis, if any, do you believe the Department may be entitled to withhold information or documents from Congress? Please explain.

As I have noted elsewhere in my responses throughout this questionnaire, I am a believer in and advocate for transparency and in partnering with Congress. It is important both to the work of the Department and for Congressional oversight for Congress to have information about the Department's activities. If confirmed, I will work to ensure that Congress has the information it needs to conduct its legislative and oversight functions related to the Department of Homeland Security. I will endeavor to accommodate all reasonable requests of Congress for information and materials from the Department.

83. Under what circumstances, if any, do you believe an official or employee of the Department may decline to testify before a congressional committee? Please explain.

One very important way to convey information about what the Department is doing, to the Congress, the media and the general public is through testimony before Congress by Department officials. If confirmed, I would expect that all reasonable requests from Congress for departmental officials' testimony should be honored, while respecting the necessity of those officials to foremost execute the

Department's missions. I do also support efforts in Congress to consolidate Congressional oversight jurisdiction over homeland security. The current number of oversight Committees itself makes it difficult for DHS officials to be fully responsive to Congress while executing their mission.

84. If confirmed, do you agree without reservation to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress?

If confirmed, in accordance with the relevant opinions of the Office of Legal Counsel of the Department of Justice, I agree to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress.

85. If confirmed, do you agree without reservation to reply to any reasonable request for information from members of Congress? If directed by the administration to systematically ignore oversight requests from minority members of Congress, will you comply?

If confirmed, in accordance with the relevant opinions of the Office of Legal Counsel of the Department of Justice, I agree to reply to any reasonable request for information from Members of Congress.

86. If confirmed, do you commit to take all reasonable steps to ensure that you and your agency comply with deadlines established for requested information?

If confirmed, I do.

87. If confirmed, do you commit to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress?

If confirmed, I do.

88. Will the President invoke executive privilege as to any specific issues you may be asked either at your confirmation hearing or, if confirmed, later hearings?

At this time, I have not been informed of any specific issue for which the President has invoked executive privilege relating to me. I am not, however, in a position to definitively decide, predict, announce or speculate whether the President might invoke such a privilege for particular unknown topics which may or may not come up at a potential future hearing. Please additionally refer to my response to Question #37 of the Minority Questionnaire.

89. If confirmed, will you direct your staff to fully and promptly respond to Freedom of Information Act requests submitted by the American people?

I am, as I stated previously, a believer in transparency in government. The Freedom of Information Act provides tremendous transparency and benefits our democracy. If confirmed, I will work to ensure that DHS FOIA officials are using their available resources to fully and efficiently respond under the law's requirements to provide appropriate information to the American people.

90. If confirmed, will you ensure that political appointees are not inappropriately involved in the review and release of Freedom of Information Act requests?

If confirmed, I will ensure that political appointees are not inappropriately involved in the review of Freedom of Information Act requests.

I, Kirstjen Nielsen, hereby state that I have read the foregoing Pre-Hearing Questionnaire and each of the supplements and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.


(Signature)

This 2 day of November, 2017

Insert for Policy Questionnaire for DHS Secretary Nominee Kirstjen Nielsen

11/7/2017

Relations with Congress (Majority Questionnaire)

54. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

If confirmed, I would comply without reservation.

55. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

If confirmed, I would without reservation.

56. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

If confirmed, I would without reservation.

Congressional Relations (Minority Questionnaire)

83. Under what circumstances, if any, do you believe an official or employee of the Department may decline to testify before a congressional committee? Please explain.

One very important way to convey information about what the Department is doing, to the Congress, the media and the general public is through testimony before Congress by Department officials. If confirmed, I would comply without reservation.

84. If confirmed, do you agree without reservation to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress?

If confirmed, I would comply without reservation.

85. If confirmed, do you agree without reservation to reply to any reasonable request for information from members of Congress? If directed by the administration to systematically ignore oversight requests from minority members of Congress, will you comply?

If confirmed, I would comply without reservation to any reasonable request for information from members of Congress, either majority or minority.

Senator John McCain
Post-Hearing Questions for the Record
Submitted to Kirstjen M. Nielsen

Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland
Security
Wednesday, November 8, 2017

Question on Opioid Abuse:

1. Deaths from opioid abuse and manufactured heroine have increased rapidly, to the point that the President in October declared the opioid epidemic a “Nationwide Public Health Emergency”. As you are aware, these deadly drugs are grown and manufactured in Mexico and they’re coming across our southern border to meet demand here in our States. We cannot successfully combat this epidemic without both reducing demand at home and disrupting the networks moving the supply. Solving the drug epidemic will require a whole of government approach that calls upon law enforcement, the medical community, the diplomatic corps, and our military.
 - a. What will you do to prevent these drugs from crossing our border?

I agree that we cannot combat this epidemic without both reducing demand at home and disrupting the networks moving the supply. Should I be confirmed, I will work with CBP, USCG, ICE, and I&A and other DHS components to continue to reduce and disrupt supply and to reduce the smuggling of opioids and illegal drugs across our borders, through our ports of entry and through the mail. Should I be confirmed, I will also work with other Cabinet officials to ensure a whole of government approach to comprehensive drug demand reduction, to include combatting opioid abuse. Should I be confirmed, I will work to strengthen current DHS efforts to stem the flow of opioids and illegal drugs, including cheap and deadly fentanyl mostly manufactured in China, cocaine mostly produced in Colombia, and heroine from Mexico to name a few, including such efforts as those by DHS/CBP and the U.S. Postal Service to increase the amount of advance information DHS receives on international mail and CBP’s efforts to use canine teams to screen international mail and express consignment shipments. DHS is also a partner in the Joint Interagency Task Force - South which conducts counter illicit trafficking operations, and should I be confirmed, I will work towards ensuring that DHS is leveraging all of its capabilities and capacities to support Task Force efforts. Finally, should I be confirmed, I will continue to strengthen the partnerships DHS enjoys with Mexico, Central and South America and the Caribbean governments towards the elimination of the networks trafficking and smuggling illegal goods, to include drugs.

- b. How will you work with these other government entities to combat this epidemic?

As stated above, should I be confirmed, I will work with other Cabinet officials to ensure a whole of government approach to comprehensive drug demand reduction, to include combatting opioid abuse. Today, DHS works with interagency and international partners to implement a comprehensive approach to attacking the opioid crisis. Should I be confirmed I would continue the Department's efforts. The Department's efforts to attack the opioid crisis include: working with international partners to stop the flow of illicit opioids and opioid analogues at the source; efforts to interdict illicit narcotics at or before they reach our borders; and investigative and intelligence related efforts to drive a counter network approach to disrupt and dismantle the transnational criminal organizations responsible for poisoning and killing Americans. In addition to efforts described above, a few additional examples:

- *ICE-HSI and CBP work closely with interagency partners to leverage interagency capabilities to attack the opioid crisis and combat transnational organized crime. Both ICE-HSI and CBP work together with the DEA, U.S. Postal Inspection Service and other federal agencies on the Heroin and Fentanyl Task Force (HFTF).*
- *Internationally, CBP shares real-time information and intelligence with the Border Five (B5) countries to target express and postal consignments which leads to enhanced targeting and the identification of individuals and organizations involved in the illicit opioid trade.*
- *CBP continues to foster relationships with national law enforcement organizations, the High Intensity Drug Trafficking Areas (HIDTA) Program, non-profits, and national organizations representing mayors, city managers, governors, tribal nations, first responders, and other key stakeholders to share information about CBP's capabilities and current efforts to combat the opioid epidemic, as well as contribute to intelligence products and information sharing on trends frontline personnel are seeing in CBP's interdiction.*
- *DHS is a co-chair of the Threat Mitigation Working Group (TMWG) which works to improve federal interagency coordination to identify, interdict, investigate, prosecute, and dismantle transnational criminal organizations, subsidiary organizations and their networks.*

Questions on Border Security:

2. In October, this Committee passed a bill that I sponsored, S. 146, the *Border Security Technology Accountability Act*, which would improve the management and accountability of Department of Homeland Security border technology acquisition programs. As you may know, numerous reports have concluded these acquisition programs are at "high-risk" for waste, fraud and abuse.
 - a. What steps should DHS take to improve the management of border technology acquisition programs?

I believe the development and maintenance of internal controls to be a vital part of effective management and stewardship of taxpayer monies. As I understand it, CBP continues to develop and enhance governance and business processes to facilitate

risk-informed decisions. As discussed elsewhere, should I be confirmed, I will work with CBP and all DHS leadership to ensure that performance management processes are enhanced so that programs, investments, and acquisitions will be measured for reaching the desired outcomes and planning, programming, budget, and accountability (PPBA) business processes will be risk-based.

Should I be confirmed I look forward to working with the Deputy Secretary and Under Secretary for Management in assessing the effectiveness of the Joint Requirements Council (JRC) to validate mission needs and operational requirements for all major acquisition programs prior to their movement through the acquisition process. I also look forward to working with Acting Commissioner McAleenan to discuss ways that CBP is improving the management of border technology acquisition programs and what more can be done.

- b. Should DHS develop a plan that is available to Congress for testing and evaluating new border security technologies to ensure taxpayer dollars are being used efficiently and effectively?

As I understand it, Test and Evaluation Master Plans are developed for all major CBP acquisition programs which lay out all of the testing that must be successfully completed through development prior to deployment of the capability. Should I be confirmed, I look forward to working with Acting Commissioner McAleenan to ensure that processes and plans are in place to ensure taxpayer dollars are being used efficiently and effectively.

- c. Do you have any concerns with the requirements outlined in the Committee passed bill, S. 146?

I am not currently familiar with requirements outlined in the Committee passed bill. I am not aware of any DHS expressed concerns. Should I be confirmed, I will ensure that the Department engages with the Committee on S. 146 and provides any appropriate technical assistance.

3. Securing our southern border must be a top priority for DHS. Agreeing on how to measure border security has continued to complicate the issue, but one way to measure border security is by our ability to identify and respond to threats along our southern border. Do you agree with this approach?

Yes, identification of threats through intelligence and surveillance capabilities; as well as timely responses to threats are key elements in measuring security of the border.

- a. What is your assessment of the current state of border security?

Should I be confirmed, I look forward to reviewing the latest border threat assessments as well as the northern and southern border strategies I understand DHS is developing. I currently believe we must do more to ensure we can identify

and assess the threats, strengthen situational awareness and our ability to impede or deny illegal entry through a combination of personnel, technology and infrastructure. We must target and prioritize our efforts based on risk.

b. How does DHS currently define a secure border?

As I understand it, DHS and the USBP are developing a plan for obtaining and maintaining operational control (OPCON) between the Ports of Entry. USBP operationalizes OPCON between the Ports of Entry as: the ability to impede or deny illegal border crossings, maintaining situational awareness, and applying the appropriate, time-bound law enforcement response. Achieving OPCON will take an integrated approach. Wall in appropriate places must be combined with the right mix of technology and personnel to ensure operational control. Border security and lawful immigration rely not only on USBP's authority to accomplish OPCON, but are also dependent upon the roles of our partners within the Federal and State and Local agencies to execute their authorities as well.

c. What oversight mechanism of Border Patrol agents should be implemented to ensure a secure border and humane implementation of our immigration policy?
Should I be confirmed, I will work with Acting Commissioner McAleenan to understand what oversight mechanisms are in place and what further mechanisms may be needed.

4. Last year's NDAA included a provision that requires the Secretary of Homeland Security to develop metrics to measure the effectiveness of security along the border. Will you commit to working with Congress to meet this requirement?

As I understand it, the NDAA directs the Department to report on over 40 specific border metrics. I believe the Department published a report in September 2017 that provides some of the most important required metrics and expects to complete the full report by the end of the calendar year. Should I be confirmed, I am committed to building on this existing work to produce fully credible and transparent border security metrics, including by working to meet all the reporting requirements in the NDAA.

5. Should a "border wall" and any discussion of border security along the southern border also include the use of technology, drones, towers, fences, and other surveillance capabilities?

Absolutely

a. What percentage of the Southwest border has surveillance capabilities in place?

As the nominee, I do not currently have access to the information requested.

b. What impediments exist to full surveillance coverage?

As the nominee, I am not able to comprehensively answer this question at this time. However, as I understand it, current impediments to full coverage include funding restrictions, technology limitations, and land issues to include variances in terrain, environmental issues, and land ownership.

6. According to the Executive Order entitled, "Enhancing Public Safety in the Interior of the United States," issued by the President on January 25, 2017, Department personnel may exercise prosecutorial discretion in removal proceedings on a case-by-case basis.
- a. Can you please provide your assessment of the range of discretion permitted by the Executive Order?

Congress has defined the Department's role and responsibilities regarding the enforcement of the immigration laws of the United States. Executive Order 13,768 sets forth the immigration enforcement policy of the executive branch. These priorities do not, however, preclude the authority to exercise prosecutorial discretion, which is inherent in all law enforcement authorities. As I currently understand it, prosecutorial discretion should not be exercised in a manner that exempts or excludes a specified class or category of aliens from enforcement of the immigration laws.

Further, as I currently understand it, prosecutorial discretion may take a number of forms from deciding whether to issue or cancel a detainer to deciding whether to grant deferred action or an administrative stay of removal.

- b. In discretionary removal proceedings, do you support distinctions made between serious criminals and minors?

As set forth in Executive Order 13,768, criminal aliens are the Department's highest removal priority.

7. In previous years, border agents prioritized removal of national security threats, serious criminals and recent border crosses. Since January to early September, DHS has deported nearly 54,000 illegal immigrants living in the U.S., which is a 34 percent increase over the same period last year.
- a. Can you please explain DHS guidelines as it relates to apprehending an alien?

Apprehensions are guided by the priorities set forth in Executive Order 13,768, including aliens unlawfully in the United States charged or convicted of crimes, those who otherwise pose a risk to public safety or national security and those who have final orders of removal from a federal judge.

- b. Can you please explain DHS guidelines as it pertains to asylum seekers and whether they would be treated in accordance with U.S. and international law?

Should I be confirmed as Secretary, I will work to ensure that DHS abides by U.S. law and upholds the United States' international legal obligations related to asylum seekers. Generally, the U.S. Citizenship and Immigration Services (USCIS) adjudicates asylum claims submitted by individuals who are already in the U.S. and who are not in removal proceedings. These individuals may apply for asylum by filing an application with USCIS, regardless of their immigration status. Applicants for asylum who do not hold a lawful immigration status and who are found ineligible by USCIS are placed in removal proceedings, and their applications are referred to an Immigration Judge who will consider their asylum claims. In addition, as I understand it, certain aliens seeking admission to the U.S. or who are apprehended in between ports of entry who indicate an intention to apply for asylum, a fear of persecution or torture, or a fear of return to their home country are referred to USCIS officers to determine whether they have a credible fear of persecution or torture. USCIS officers then conduct a credible fear interview to determine if there is a significant possibility that the alien can establish eligibility for asylum.

Questions on Cyber Security:

8. The report by the Commission on Enhancing National Cybersecurity determined that the organizational construct for cybersecurity within the federal government was inadequate given the cyber challenges we face.
- a. Do you agree that the current organization of the government is insufficient and that dramatic changes may be needed to better posture us to address the cyber threats we will face in the future?

I am a firm believer that organization directly affects the ability of an entity to perform its mission effectively and efficiently. Operational coordination across Federal agencies and the clear articulation of roles and responsibilities with respect to cybersecurity is essential. Actions must also be coordinated at a strategic level across the interagency to ensure an all-of-government approach to countering the cyber threat. Continued coordination at all levels is necessary. Should I be confirmed as Secretary, I will work with DHS leadership to determine whether DHS is sufficiently postured and optimally organized to address its critical mission with respect to current and evolving cyber threats. See also my related answers to the Policy Questionnaire.

- b. What do you think is the cyber security mission of Department of Homeland Security and how does it relate to the other parts of the federal government with significant cyber roles?

The mission of the Department is to safeguard and secure cyberspace. DHS does this through leading efforts to strengthen the security of networks in Federal civilian agencies and the security and resilience of our nation's critical infrastructure, and through law enforcement efforts to combat cybercrime.

As I stated in the Policy Questionnaire, in this current cyber environment, no one entity has all of the authorities, capability or capacity to protect every asset or stop every threat. Our approach must be rooted in risk management and partnership. We must identify the criticality of assets, identify and assess systemic risks, and prioritize the application of protective measures in a scalable, risk-informed way. Addressing our Nation's cybersecurity threats and vulnerabilities requires a whole of Government, and indeed whole of Nation, approach that is coordinated with our private sector, state, local, tribal and territorial governments, and international partners. We must collectively leverage our various authorities and capabilities to secure vital systems, assets and functions, improve resilience against cyber incidents, and quickly respond to and recover from incidents when they occur.

Agencies with various missions support each other in complementary ways. Close collaboration with partners such as the FBI and Department of Defense are essential to success. This collaboration is enshrined in PPD-41 and the National Cyber Incident Response Plan.

Questions on Interoperability:

9. Public safety communications interoperability is one major component of an effective response to a terrorist attack or other disaster. In order to improve public safety communications, Congress created the First Responder Network Authority to develop a nationwide public safety broadband network. It also established the Office of Emergency Communications and SAFECOM at DHS to improve public safety communications interoperability.
 - a. Do you believe these initiatives have been effective in improving interoperability among first responders?

The interoperability of first responder communications remains absolutely essential. And yes, I do believe that DHS has made important strides in supporting communications interoperability among first responders from the publication of the Interoperability Continuum to the National Emergency Communications Plan. DHS serves as an important resource to public safety stakeholders and sits in a unique position to play the role that it does.

At a high level, as I understand it, DHS supports interoperability by offering training, tools, workshops, regional support, guidance documents, and planning

technical assistance. DHS also manages priority telecommunications programs to ensure first responders can communicate during emergencies.

- b. If confirmed, what, if any, additional steps need to be taken to ensure effective public safety communications during the response to a disaster or act of terrorism?

Continued engagement with and support to emergency communications stakeholders is essential. I would offer that an important step is full funding of the budget for DHS, other federal agencies and the budgets at state, local, tribal, and territorial partner agencies. These partners must have the plans, resources, and training necessary to support communications needs during a major incident. Should I be confirmed, I will work with the leadership of FEMA, NPPD and S&T to identify additional steps DHS can take to help ensure effective public safety communications.

FEMA Fire Grants Programs

10. In August, the Senate passed by unanimous consent legislation that I sponsored (S. 829) that would reauthorize the highly successful Assistance to Firefighters (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs through Fiscal Year 2023. The *Fire Grants Reauthorization Act* would ensure that our nation's more than one million fire and emergency services personnel continue to have access to the necessary training, equipment and staffing as first responder missions increase. The bill also includes language that would strengthen oversight and monitoring of the fire grants to minimize the risk of waste, fraud and abuse, and create training programs to assist fire departments in properly managing the grant awards. The legislation is currently with the House of Representatives.
- a. Should Congress reauthorize these fire grant programs? Why or why not?

The Department supports the re-authorization of the fire grant programs which provide critical resources to the Nation's fire services. The Federal Emergency Management Agency in partnership with the U.S. Fire Administration manages the fire grant programs to help build and sustain the capabilities of the nation's fire services; this is an important part of the Nation's Homeland Security strategy. Adequately staffing the fire services to standards and providing reliable, modern, equipment and training ensures that our nation is prepared during day to day service in our communities as well as able to provide critical lifesaving capabilities in the event of a natural disaster or terrorist incident. As we have seen during recent events from the tragic shootings to unprecedented natural disasters, the nation's fire services are critical to a safe and resilient nation.

Jones Act

11. The Department of Homeland Security recently waived the Jones Act requirements for 10 days in Puerto Rico. From your perspective, has the Jones Act had an impact the ability of the Department to respond to natural disasters such as hurricane Maria in Puerto Rico?

From my perspective as the nominee, the Jones Act has not hindered DHS' response to Hurricane Maria. The Department worked with the Department of Transportation Maritime Administration to ensure that sufficient Jones Act qualified vessels were available to support the response. As I understand it, overall, the biggest challenge in restoring commodity supply chains on Puerto Rico was commodity distribution and movement on the island due to the disruption of transportation networks - not the movement of supplies to the island.

Senator Rob Portman
Post-Hearing Questions for the Record
Submitted to Kirstjen M. Nielsen

Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland Security
Wednesday, November 8, 2017

1. From your existing knowledge of DHS initiatives to assist religious communities with mitigating security risks, are there any other steps or tools you think appropriate within the Department or alongside interagency partners to further these efforts?

If confirmed, I will meet with DHS leadership from DHS offices that engage with religious communities, to include leaders from the Office of Public Engagement, Office of Community Partnership, NPPD and FEMA, to discuss what more the Department can do to provide tools, resources, guidance, training, planning assistance and other support to religious communities to help them protect soft targets, identify threats, share suspicious information, receive threat information, partner with local governments and law enforcement, perform vulnerability assessments, prepare for active shooter scenarios, identify radicalization warning signs, strengthen alert and warning systems and protocols, encourage citizen preparedness and otherwise strengthen the security and resilience of their community. If confirmed, we will also discuss what additional needs and concerns have been communicated from such communities and how DHS can strengthen outreach and partnership.

Specifically, I believe the recent cross-DHS soft target coordination group led by NPPD which brings together all DHS components to coordinate, identify gaps and opportunities in capabilities and engagements is a promising start not just for communities of faith, but broader efforts to manage risk and secure soft targets. If confirmed, DHS will continue to work with the community to develop flexible risk assessment tools; foster technology solutions to counter the threat; prioritize information and intelligence sharing in a timely manner; train law enforcement, emergency responders, and employees across sectors; and recommit to broader public awareness campaigns focused on suspicious behavior and reporting.

2. From your recent experience as DHS Chief of Staff, what is your assessment of the Department's unity of effort initiatives to-date and where do you think greater attention is needed?

My perspective during my time there, is that the Department has made significant progress in the last decade on this front, but we still have a long way to go to really be a cohesive Department and workforce. Overall, additional focus is needed on fostering a 'one team' environment from hiring to training to professional development to career

advancement. Should I be confirmed, I would plan to continue the strong initiatives of Secretary Kelly and Acting Secretary Duke, and Secretary Johnson before them. I will work with the Deputy Secretary and the Undersecretary for Management to assess the effectiveness of current unity of effort programs and processes and strengthen them where needed. If confirmed, we will also continue to assess hiring, pay and retirement throughout the Department. We will assess what policies and processes can and should be centralized to reinforce that the components are part of a larger whole and that all employees are DHS employees. For example, standardizing lexicon, travel policies, cybersecurity policies, and leave policies enforce the 'one team' outlook. I will also seek to eliminate stovepipes and develop plans, processes and programs to integrate and leverage capabilities and tools throughout the Department. I will also work to promote what I think is the cornerstone of future success in building on best practices, which we have borrowed from the Department of Defense: -- joint education, training and assignments of DHS personnel as a required part of career advancement. Joint education, training and assignments truly underscore that homeland security, although made up of component missions, is one mission, and to be effective DHS must be able to function as one team.

3. What do you think are the greatest challenges in recruiting and retaining cybersecurity professionals at DHS and what actions do you think are necessary to improve the Department's ability to effectively staff this mission area?

I think the greatest challenge for the federal government in general for recruiting and retaining the highest skilled computer and information technology workers is the number and attractiveness of private sector technology career opportunities in a growing industry with more jobs than qualified candidates. The competition is fierce for these professionals and the government is often at a disadvantage in what we can offer to entice them to work for the government instead of at a 'hot' tech start up or a major technology company. When we do manage to successfully attract and train one of these professionals and get them through the laborious process to hold a security clearance, he or she is now even more valuable to federal contractors and other private sector companies who may hire them away from us. Ultimately, to be successful we have to be clear with respect to our mission and find people with the right skills or capabilities who share that sense of mission and who are called to serve in the same way as those who join the military or law enforcement.

Should I be confirmed, I would look to strengthen and expand DHS' efforts in collaboration with other federal partners and the Administration's overall STEM efforts to recruit and retain cybersecurity personnel. It is my understanding that DHS has partnered with a variety of entities to include nonprofits, all levels of educational institutions and school boards across the country to encourage the teaching of cybersecurity concepts. DHS has also partnered with the nonprofit National Integrated Cyber Education Research Center (NICERC) to provide cybersecurity curricula and teacher professional development. I have also applauded DHS efforts in sponsoring the CyberCorps Scholarship for Service which provides scholarships towards cybersecurity degree programs in return for service in Federal, State, local, or tribal governments

upon graduation. If confirmed, I would also look to identify opportunities across the existing talented DHS workforce and provide training opportunities to enhance cybersecurity expertise. As mentioned elsewhere, I believe a clearly articulated mission and adequate tools and resources supports strong recruiting, and the ability to grow in one's job and have access to continual training and education supports retention. Recognizing the importance of this issue as a cornerstone of DHS cybersecurity efforts, should I be confirmed I would assess current efforts and work with Department leadership to strengthen related campaigns and programs. Finally, if confirmed, I look forward to working with Congress and OPM to ensure we are fully utilizing the unique hiring authorities granted to the Department for cyber security efforts.

Senator Rand Paul
Post-Hearing Questions for the Record
Submitted to Kirstjen M. Nielsen

Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland
Security
Wednesday, November 8, 2017

1. At the U.S.-Mexico and U.S.-Canada border, DHS personnel have used the so-called border search exception to conduct searches of Americans within 100 miles of a border, without a warrant or even probable cause. These searches are premised on individuals transiting to or from the United States, yet many millions of Americans live and work in these zones and are not transiting into or out of the country. The result is that Americans in large swaths of the country have diminished constitutional rights.
 - Question: Should the regulations on which this practice is based be updated to more narrowly define this practice?
 - Question: Do you believe any geographic limitation exists to where and how DHS personnel may deploy suspicionless checkpoints within the United States?

In response to both questions above:

Customs officers are authorized to conduct a border search of travelers, conveyances, and merchandise crossing the United States border. As the Supreme Court has long recognized, the border search doctrine operates as an exception to the warrant and probable cause requirements of the Fourth Amendment. Border searches may be performed at places such as the border (the territorial boundaries of the United States that exist on land, sea, and air) or the functional equivalent of the border (e.g., the airport where an international flight to the United States lands).

Immigration checkpoints concern separate authority. More specifically, the Immigration and Nationality Act (INA) § 287(a)(3) authorizes law enforcement agents to board and search for aliens on vessels located in U.S. territorial waters and vehicles or conveyances located within a reasonable distance from the exterior boundary of the United States. A "reasonable distance" under this statute extends 100 air miles inland from the border of the United States. Additionally, when making a stop pursuant to INA § 287(a)(3) at locations other than an immigration checkpoint, an agent must have at least reasonable suspicion to stop a vehicle. Any search of the vehicle will have to be separately justified via consent to search, or probable cause to conduct a readily mobile conveyance search of the vehicle. DHS does not conduct suspicionless checkpoint searches.

- Question: If confirmed as Secretary, will you expand the use of suspicionless checkpoints within the United States?

If confirmed, I will work to ensure that DHS will adhere to all applicable legal authority and judicial decisions concerning checkpoint operations. DHS does not conduct suspicionless checkpoint searches.

I understand that the Department's Office for Civil Rights and Civil Liberties (CRCL) recently investigated allegations related to the checkpoints and found that CBP checkpoints were not violating the constitutional rights of persons transiting. However, CRCL is working with CBP to enhance public outreach and CBP training to ensure that travelers and agents are aware of their rights when crossing at checkpoints.

- Question: Do you support the capture of all vehicle information by DHS, including license plates, for vehicles that travel through a DHS checkpoint—including those that have done nothing wrong and are simply driving from Point A to Point B as part of their daily business? If so, what limitations on this practice—including storage of vehicle information—might you support?

As I understand it, U.S. Border Patrol checkpoints utilize license plate reader (LPR) technology for the purpose of identifying illegal alien smuggling. LPR technology is utilized at checkpoint locations that have been identified as routes of travel utilized by alien smugglers. Checkpoints and LPR technology further assist the overall national security mission.

Currently CBP captures the data and maintains it for seventy-five years, and the images for two years (due to storage limits), as stipulated in the TECS System of Record Notice.

If confirmed, I will work with CBP, DHS Counsel, and CRCL to ensure that the constitutional rights of all Americans are upheld with respect to vehicle information emanating from a DHS checkpoint.

2. I remain concerned about reported instances of American citizens being detained at points of entry when traveling back into the United States—in particular, the reported instances of Americans being asked by DHS officials to turn over their phones or other digital devices for search, including:
 - i. This year, a NASA engineer and U.S. citizen was reportedly pulled into inspection when returning from a vacation in Chile. The individual subjected to inspection recounted how Customs and Border Protection (CBP) demanded the PIN to his phone and handed him a form that

explained how CBP had the right to copy the contents of his phone. He recalled that the form indicated that participation in the search was “mandatory” and it threatened “detention and/or seizure” of the device if he did not comply.¹ He was reportedly released after providing the PIN to his phone—a work phone that was itself property of NASA.²

- ii. Two U.S. citizens were stopped on a return from Canada and held for two hours after their phones were taken by CBP officers. They alleged that they were stopped again on another return trip from Canada three days later in which they were again told to turn over their phones. They also alleged that CBP officers physically took one of the phones in order to search it.³
 - iii. An NBC News investigation reported that they examined 25 different cases of U.S. citizens being told to turn over their phones, unlock them, or provide passwords to CBP officers.⁴
 - iv. A U.S. citizen was reportedly stopped from boarding a flight in Los Angeles, handcuffed, and released after “a Homeland Security agent looked through his phone for about 15 minutes.”⁵
 - v. In 2015, a U.S. citizen journalist alleged that, while traveling back to Texas from Brazil, he was detained while officials “went through all his contacts, emails and WhatsApp messages on his phone.”⁶
- Question: If DHS agents lack a warrant, would you as Secretary allow an American citizen, a green card holder, or any other valid visa holder to be delayed or denied entry into the United States if the individual refuses to provide his device’s password, unlock his device, or otherwise provide access to the information on his device? If yes, under what authority, and how does an individual’s citizenship or visa status affect your answer?

The Secretary of Department of Homeland Security is under an obligation to safeguard our country to the extent possible by law. Legal issues such as this

¹ <https://www.theatlantic.com/technology/archive/2017/02/a-nasa-engineer-is-required-to-unlock-his-phone-at-the-border/516489/>

² <http://www.cnn.com/2017/02/13/us/citizen-nasa-engineer-detained-at-border-trnd/>

³ <http://www.nbcnews.com/news/us-news/american-citizens-u-s-border-agents-can-search-your-cellphone-n732746>

⁴ *ibid*

⁵ <https://www.nytimes.com/2017/02/14/business/border-enforcement-airport-phones.html>

⁶ https://www.buzzfeed.com/tasneemnashrulla/this-american-journalist-said-he-was-detained-at-miami-airpo?utm_term=.eIMvKx0EB#goOwWgBpZ

will be determined with the assistance of counsel provided by the DHS Office of General Counsel. I would asked to be further briefed on this if confirmed. However, as I understand the current law, all persons and their devices arriving in the US are subject to a border search because CBP must determine the admissibility of both the traveler and his or her accompanying goods and baggage, to ensure that those goods are permitted to enter. In other words, and as I understand it, because any traveler may be carrying an electronic device that contains evidence relating to offenses such as terrorism, illegal smuggling, or child pornography, CBP's authority to search such a device at the border does not depend on the citizenship of the traveler.

Importantly, I also understand that CBP will never prevent a U.S. citizen from entering the United States because of a need to inspect that traveler's device. Therefore, although CBP may detain an arriving traveler's electronic device for further examination, in the limited circumstances when that is appropriate, CBP will not prevent a traveler who is confirmed to be a U.S. citizen from entering the country because of a need to conduct that additional examination. CBP's public guidance to travelers I think succinctly summarizes current policy and practice. (<https://www.cbp.gov/sites/default/files/documents/inspection-electronic-devices-tearsheet.pdf>).

To be clear, I believe that all CBP officers are and should be required to strictly adhere to all constitutional and statutory requirements and CBP has strict oversight policies and procedures that implement these safeguards. To my knowledge, the instances in which CBP seeks to conduct a border search of information in an electronic device are exceedingly rare – I remember the statistic that such searches affect less than one-hundredth of one percent of travelers arriving to the United State.

- Question: If you believe you have the authority to delay entry in any of these instances, what is the maximum amount of time you believe you can delay entry for each an American citizen, a green card holder, or any other valid visa holder?

CBP exercises border search authority very judiciously and has made available to the public, since 2009, its governing policy on the border search of information in electronic devices. Although CBP's law enforcement policy directives are generally issued internally for official use only, CBP recognized the importance of the public dialogue on this issue, and CBP Directive, Border Search of Electronic Devices Containing Information, includes comprehensive guidance for searching, reviewing, retaining, and sharing information obtained from

border searches of electronic devices containing information. It remains publicly available on the DHS website. ICE, which also has border search authority, issued a companion policy directive on this topic at the same time as CBP.

I understand that CBP's policy specifically states that CBP will protect the right of individuals against unreasonable search and seizure and will ensure privacy protections. To that end, it recognizes that, if a border search of an electronic device cannot be completed during the time that the traveler is at the port of entry, the device may be detained by CBP, ordinarily for a period not to exceed five days, after the traveler has departed the port of entry. Therefore, additional time needed to complete a thorough border search will not necessarily require the traveler to remain at the port of entry during the time of the search.

Moving forward, and in recognition of the requirement described in law, which require CBP to review and update at least every three years its standard operating procedures relating to searches of electronic devices at ports of entry, I understand CBP is currently reviewing the CBP Directive and intends to revise and update it to reflect evolving operational practices on this important and sensitive issue. If confirmed, I will ensure that such revision and update complies with all laws, protects Constitutional rights, and provides sufficient information to the reader about border searches of electronic devices.

- Question: As Secretary, would you permit the sharing of information gathered at the border from electronic devices with other federal, state, and local law enforcement?

As I understand it, CBP's governing policy directive specifically recognizes the potential need to share information with other federal agencies in order to seek their assistance and expertise to enable CBP to complete the border search. Further, any information shared occurs in accordance with the governing Privacy Act system of records notice.

- Question: On June 6, 2017, General John Kelly told me that "we don't [search phones] routinely unless there's a reason why...we do it whether they're citizens or non-citizens coming in." This is a change from what he told me on April 5, 2017, when he said "I just don't believe we're doing it." As Secretary, will you continue his policy of searching the contents of phones at the border?

If confirmed, I will work to ensure that CBP, and all of DHS complies with all laws, regulations and court cases in executing its mission. Currently, as I understand it, in addition to long-standing precedent, including that of the Supreme Court, that recognizes the broad scope of CBP's authority to conduct border searches, this authority is enshrined in numerous statutes – which support CBP not only in the enforcement of the nation's immigration laws, but also empowers CBP in support of our customs, agriculture, and counterterrorism missions at the border. It is my understanding that given today's threats and the CBP mission, similar to CBP's responsibility for inspecting luggage, vehicles and cargo upon arrival to the United States, in this digital age CBP must also conduct limited and targeted inspections of electronic devices to determine whether they contain contraband (such as child pornography), information indicating inadmissibility, or information that could present a threat to national security (such as WMD information).

- Question: You have indicated informally, and your predecessor as Secretary has indicated, that you do not detain U.S. citizens if they refuse to submit their digital devices to an electronic search at a point of entry. However, in such a scenario, would you seize or otherwise seek to separate the U.S. citizen from their device? Would you ask the U.S. citizen to leave the point of entry while agency officials retain possession of the device(s)? Does DHS assert that it has the authority, regardless of whether it is current practice, to separate a U.S. citizen from their digital device(s) at a point of entry for the purposes of an electronic search? If so, what procedures govern such actions?

As I understand it, there are CBP Directives on point. Specifically, one that recognizes that in the rare instance an international traveler's cell phone or other electronic device may need to be detained (beyond the time that the traveler is at the port of entry) to complete the necessary border search, there is a specified process for such a detention, including the requirement that a traveler receive a custody receipt and that the traveler be notified of the search when such a fact can be disclosed without hampering national security or law enforcement or other operational considerations.

In addition, the Directive provides that searches of electronic devices should be conducted in the presence of the traveler unless there are national security, law enforcement, or other operational considerations that make it inappropriate to permit the individual to remain present.

3. If confirmed, what will you do to ensure employees can and will disclose violations of law, rule, or regulation, and instances of fraud, waste, abuse and mismanagement within the DHS to any or all appropriate sources, including Congress?

I will work to foster an environment of respect and trust, providing ways in which voices can be heard and engaging with employees at various levels to identify and address concerns. I have always been a person who speaks truth even when the truth is uncomfortable. If confirmed, I will encourage the same candor from all DHS employees, and expect that managers will also foster an environment of trust and respect and will listen to any employee concerns and take actions to address them. Overall, we must foster a culture at the Department that encourages the same “see something, say something” attitude of vigilance we promote to the public and safeguard those who do come forward in compliance with whistleblower laws and regulations. I believe all DHS employees have a duty to report all such violations you describe. If confirmed, I will uphold all legal protections for the reporting of fraud, waste, abuse and mismanagement within DHS, and, in my position, will be especially vigilant to the issue of any potential management retaliation. I will partner with the IG to ensure that all complaints are properly investigated. I will also ensure that employees understand and have ready access to information describing the various ways to disclose violations of law, rule or regulation, and instances of fraud, waste, abuse and mismanagement within DHS.

4. Notwithstanding the recent cancellation of some \$16 billion of the program’s debt by Congress, the National Flood Insurance Program will remain deeply in the red for the foreseeable future. The Office of Management and Budget, in its Oct. 4, 2017, disaster supplemental request to Congress, called the NFIP “simply not fiscally sustainable in its current form.”⁷
- Question: Do you support any of the proposed reforms that OMB included in its Oct. 4 supplemental request? If yes, which proposed reforms? If no, what NFIP reforms would you support?

Yes. I strongly support reforms to the NFIP. As the Administration and many in Congress have noted, the program is not sustainable. Reforms are necessary such as those to enable a robust private market and to raise rates to reflect risk while including a means tested affordability program.

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<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/Letters/Letter%20regarding%20additional%20funding%20and%20reforms%20to%20address%20impacts%20of%20recent%20natural%20disasters.pdf>

5. As “the only [Intelligence Community] element statutorily charged with delivering intelligence to state, local, tribal, territorial and private sector partners,”⁸ the DHS Office of Intelligence and Analysis presents potential dangers to civil liberties, including a blurring of the line between domestic law enforcement and intelligence gathering activities as well as intentional abuse or inadvertent misuse of intelligence products.
- Question: If confirmed, what will you do to insure that any and all intelligence gathered or disseminated by DHS will be handled with utmost concern regarding people’s privacy and other rights by all entities that may receive or encounter such information?

As I remember from my time as Chief of Staff, DHS has extensive mechanisms in place to guard against the concerns you have described, including built-in oversight within the Office of Intelligence and Analysis and safeguards through the Office of Privacy, the Office of Civil Rights and Civil Liberties, the Office of the General Counsel, and appropriate inspectors general. If confirmed, I commit to ensuring that DHS remains focused on gathering and disseminating intelligence information strictly within the confines of the law and with utmost respect for privacy, civil rights, and civil liberties.

- Question: With regard to Fusion Centers, what will you do to ensure the appropriate use of and consistent privacy protections for information shared by them among their partner entities?

While fusion centers are owned and operated by state and major urban area governments, as I understand it, to the extent they receive federal grants, access to federal networks, and DHS personnel, they are also subject to thorough oversight and review to ensure they comply with all relevant laws and have rigorous policies in place to respect privacy, civil rights, and civil liberties. If confirmed, I will work with the Department’s Under Secretary for Intelligence and Analysis to review DHS policies and procedures with regard to fusion centers to ensure they continue to handle information appropriately and to make sure any and all DHS personnel assigned to those centers are in compliance with requirements and have the necessary training to protect sensitive information, individual privacy and other rights.

⁸ <https://www.dhs.gov/office-intelligence-and-analysis>

6. From your tenure as DHS Chief of Staff, what ideas and aspirations do you have to improve the management of the Department of Homeland Security with respect to identifying and eliminating waste, fraud or abuse?

As described above, I will work to foster an environment of respect and trust, providing ways in which voices can be heard and engaging with employees at various levels to identify and address concerns. I have always been a person who speaks truth even when the truth is uncomfortable. If confirmed, I will encourage the same candor from all DHS employees, and expect that managers will also foster an environment of trust and respect and will listen to any employee concerns and take actions to address them. I believe all DHS employees have a duty to report instances of fraud, waste or abuse. Overall, we must foster a culture at the Department that encourages the same "see something, say something" attitude of vigilance we promote to the public and safeguard those who do come forward in compliance with whistleblower laws and regulations. If confirmed, I would review the various options available for reporting fraud, waste or abuse and ensure that such options are accessible to all DHS employees. I will also ensure that employees understand and have ready access to information describing the various ways to disclose instances of fraud, waste, or abuse within DHS, to include reporting to the IG and GAO.

If confirmed, I will uphold all legal protections for the reporting of fraud, waste, or and mismanagement within DHS, and, in my position, will be especially vigilant to the issue of any potential management retaliation. I will partner with the IG to ensure that all complaints are properly investigated and that if a process doesn't exist today, that one is created to track reporting, investigate claims and ensure needed revisions or adjustments are made by managers and leadership. Should there be any gaps in authorities to appropriately address any of the concerns raised, I will work with the Congress.

Finally, as was discussed in a recent IG report, we must strengthen the DHS internal control environment to ensure that the Department can effectively, efficiently and lawfully execute its mission. If confirmed, I will work with the Deputy Secretary and the Under Secretary for Management to expand and strengthen our internal controls.

7. As your nomination moves forward, will you commit to providing a written response to any further questions related to your nomination prior to your confirmation vote?

Yes.

**Senator James Lankford
Post-Hearing Questions for the Record
Submitted to Kirstjen M. Nielsen**

**Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland
Security
Wednesday, November 8, 2017**

1. It is imperative that the Transportation Security Administration continuously evaluate and improve checkpoint screening procedures in fulfilling its responsibility to protect our nation's transportation systems. With the agency's increased screening responsibilities and decreasing budget, the TSA must work vigilantly to ensure that screening operations are efficient and secure. Do you believe the TSA should explore new technologies that observe and analyze passenger traffic data in its efforts to optimize the allocation of screening resources, reduce the risk of screening breaches, and help modernize the Agency?

Yes, and if confirmed I will work closely with Administrator Pekoske to ensure that TSA is consistently evaluating and implementing new technologies to address risk and meet operational and legal requirements.

**Ranking Member Claire McCaskill
Post-Hearing Questions for the Record
Submitted to Kirstjen M. Nielsen**

**Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland
Security
Wednesday, November 8, 2017**

MANAGEMENT AND EXPERIENCE

1. Committee staff has received reports that the Department Homeland Security (DHS) political appointees are politically vetting career Senior Executive Service (SES) applicants and in some cases GS level career employees.
 - a. Do you agree that that political vetting of career employees is improper?

Yes.
 - b. If so, will you commit to providing written guidance to DHS employees that this kind of interference is improper?

Yes.

NATIONAL SECURITY

2. Will you commit to conducting cost-benefit analyses to ensure that all budgetary matters, including the proposed southern border wall and cuts to grants programs, are done with full consideration of the attendant risks and priorities of the Department?

Should I be confirmed, I look forward to working with you, the Committee and the Appropriations Committees to ensure that DHS considers both risk and cost – throughout the Department – to ensure that we are effectively and efficiently utilizing taxpayer money to secure our homeland against the greatest risks.

3. Do you agree that the Counterterrorism Advisory Board (CTAB) is a key DHS coordinating mechanism and that it has served a valuable purpose during and after elevated threat situations?

I agree that the CTAB is valuable and has improved the Department's ability to address terrorist threats. As part of my commitment to continue unity of effort initiatives, I will continue to support initiatives, such as the CTAB, that promote cross component information sharing.

- a. Do you plan to continue to exercise the CTAB?

Yes, and should I be confirmed, I look forward to clarifying the CTAB's processes and policies to ensure that it meets its mission requirements. Should I be confirmed, I would also like to assess whether its purpose should be expanded to include a wider array of threats and that its charter aligns with today's threat environment.

- b. The National Threat Advisory System relies on the CTAB for implementation. If CTAB is disbanded, what body or person will inform and make decisions on issuances of NTAS bulletins and alerts?

I have no plans to disband CTAB.

- c. What other counter terrorism/threat coordination mechanisms (if any) within DHS will you rely on?

Generally, I believe we must look at further integrating operations and threat intelligence throughout the Department to respond to emerging threats. Should I be confirmed, I look forward to assessing models such as the joint interagency task forces and interdepartment task forces to address risk across threat vectors.

4. If confirmed, do you commit to DHS providing a briefing to Committee staff regarding your review of Countering Violent Extremism and assessments of the related programs and grants within 90 days of your confirmation?

If confirmed, I commit to working with you and others on the Committee, including Senator Hassan who has requested a related assessment and information within 120 days to ensure that I provide you with the information requested no later than 120 days after confirmation.

5. If confirmed, do you commit to DHS providing a briefing to Committee staff regarding the results of your review of all visa programs within 90 days of your confirmation?

If confirmed, I commit to working with you and others on the Committee who have requested to be briefed on any review by the Department of visa programs in order to provide the information in a timely manner. As nominee, I do not know whether the time frame requested relative to confirmation is achievable as I do not myself know the status of such a review or the timing of its completion as well as actions that other stakeholders outside DHS like the Department of State may need to take.

FEMA DISASTER CONTRACTING

6. Do you think it is appropriate for DHS and its components to enter into contracts for disaster relief where a contract expressly prohibits a government audit or review? If so, under what circumstances would such a contract be appropriate?

I do not think it is appropriate for DHS to enter into contracts for disaster relief where a contract expressly prohibits a government audit or review.

7. During today's hearing you stated that you would advocate for a public after-action review of the federal government's response to recent hurricanes. If confirmed, will you commit to DHS conducting an after-action review of the federal government's response to Hurricanes Harvey, Irma, and Maria, and publicly release the results?

Yes.

CUSTOMS AND BORDER PROTECTION OFFICERS

8. President Trump has proposed significant increases in staffing for Border Patrol and ICE, but has not proposed commensurate increases for Customs and Border Protection (CBP) officers at our ports of entry.
- a. Does President Trump's budget proposal give CBP the resources it needs to achieve "operational control" of our ports of entry, which he required in his January 25 Executive Order and defined as "the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband."¹ If it does not, what additional resources would be required to do so? How many additional personnel would be required? Is it even possible to achieve full operational control of ports of entry?

If confirmed, I will meet with Acting Commissioner McAleenan and CBP leadership to ensure that CBP is adequately resourced, and if not, determine what additional resources are necessary. I commit to sharing the results of my review with the Committee and discussing how we can together ensure that our ports of entry have the personnel, technology, tools and resources needed to address today's threats.

- b. Are you concerned that our ports of entry are understaffed? Why or why not?

Should I be confirmed, I will remain committed to ensuring that the Department is appropriately staffed to meet today's threats and needs. I understand that our ports of entry have experienced significant growth and that staffing likely may need to be adjusted or increased. I commit to meeting with Acting Commissioner McAleenan to ensure that our ports of entry are adequately resourced, and if additional resources required, will work with the Congress to address any deficit.

¹ Exec. Order 13767, 82 Fed. Reg 8793 (Jan. 25, 2017).

- c. If confirmed, do you commit to review the allocation of staffing by Customs and Border Protection, and report back to this committee on your findings and plans to implement any changes?

Yes.

AGRICULTURAL SECURITY

- 9. Passage of the Securing Our Food and Agriculture Act, which President Trump signed into law this summer, requires DHS to carry out a program to defend the U.S. food, agriculture, and veterinary systems against terrorism and other high-risk events. If confirmed, what are your priorities for bolstering agricultural security operations at DHS?

DHS plays an important role in ensuring the nation's food supply is guarded against terrorist and other threats. Should I be confirmed, I would work hand in hand with the Department of Agriculture to align roles, responsibilities and expertise to ensure that together as a federal interagency we are addressing today's agriculture security operations.

- 10. In early October, DHS provided authorizing committees with notice pursuant to Section 872 of the Homeland Security Act about a departmental reorganization of certain chemical, biological, radiological and nuclear functions into a new Countering Weapons of Mass Destruction (CWMD) Office. The new office will include the Domestic Nuclear Detection Office (DNDO) in its entirety and parts of the Science and Technology Directorate (S&T) and the Office of Health Affairs (OHA).

- a. Who will be in charge of carrying out agricultural security work at DHS in the context of this reorganization? Will that person and the entity be able to successfully coordinate department activities in this area?

As I understand it, OHA and S&T have resources and authorities related to agricultural security, working with interagency partners. Under the proposed reorganization, these specific roles would remain with the same level of expertise and attention. Should I be confirmed, I will examine the roles and ensure proper focus is provided within the federal government to meet agricultural security needs.

- b. Will you commit to working with me to enhance security in the agriculture sector?

Yes.

- c. If you are confirmed, will you commit to reviewing the 872 Reorganization proposal prior to its taking effect on December 5, 2017? Will you commit to informing me whether you will use 872 authority to place the new office of CWMD within S&T?

Yes and Yes. Should I be confirmed, I will also work to ensure that any reorganization uses best practices and internal controls to ensure resources are not wasted, processes and programs are aligned, and to reduce any potential overlaps.

- d. Would an Office for CWMD within the S&T Directorate be better equip the Department to address CWMD? Would a joint task force enhance focus in the area of CWMD?

If confirmed, I commit to reviewing the 872 Reorganization proposal to ensure it is the best way to execute WMD defense efforts.

JOINT TASKFORCE TO COUNTER OPIOIDS

- 11. I have been deeply concerned about the opioid epidemic in the U.S. and investigating how the federal government can assist local efforts to address this scourge.

- a. What are your thoughts on the joint task force (JTF) and having them do more work in the area of counternarcotics, specifically countering opioids?

We must leverage all capabilities and authorities the federal government has to offer to counter the opioid epidemic in the U.S. Should I be confirmed I would look at the DHS JTFs to see if they can offer more to help fight this epidemic and to help counter narcotics smuggling.

DHS is also a partner in the Joint Interagency Task Force - South which conducts counter illicit trafficking operations, and should I be confirmed, I will work towards ensuring that DHS is leveraging all of its capabilities and capacities to support Task Force efforts.

- b. Do you commit to work with me on legislation to enhance DHS' work in this area?

Yes.

Senator Thomas R. Carper
Post-Hearing Questions for the Record
Submitted to Kirstjen M. Nielsen

Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland Security
Wednesday, November 8, 2017

1. In your policy questionnaire, in response to a question about the largest number of people that directly reported to you at any one time, you refer to your answers in the majority portion of the questionnaire for your recent role at DHS, and your current role at the White House. Please provide clear answers to the questions for each role. In other words, are we to understand that you had sixty-five direct reports at DHS, and that you oversaw two hundred employees at the White House?

The differences intended between “directly managed,” “directly reported to you,” and “oversight” were not clear. Thank you for the opportunity to clarify.

The DHS Secretary has 27 direct reports. As DHS Chief of Staff, I had approximately 30 direct reports (defined in the next question), directly managed the Office of the Secretary which included approximately 65 people (to include direct reports), had resourcing and budget related decision-making authority and responsibility for the Office of the Secretary and Executive Management, made up of ten offices, 585 personnel and with a budget of \$137 million (FY 2017 enacted). As WH Principal Deputy Chief of Staff, I have 7 direct reports, and directly manage approximately 200 people.

The role of Chief of Staff or Principal Deputy Chief of Staff of a complex organization or entity is the coordinator of all of the supporting staff. An effective COS or PDCOS must encourage all feedback and keep communication open across all levels. He or she must engage with staff at all levels of the organization constantly to identify and address underlying issues. Within a large Department context, the Chief of Staff manages the Department serving as the Executive Officer, ensuring that direction and guidance from the Secretary and Deputy Secretary is executed through a variety of avenues. I have played a similar role at the White House.

As a result, in both my DHS Chief of Staff role and as Principal Deputy Chief of Staff at the WH, I had/have direct reports, those whom I directly managed/manage, and a much larger group of employees of whom I had/have coordination and management oversight and/or budget responsibilities. For the larger group (240,000 in the case of DHS and around 1700 in the case of the Executive Office of the President), I address employee concerns and issues that rise to my attention and/or are brought to my attention and seek to ensure that the organization is optimally structured and operating. For example, in my current role, I address employee matters and concerns related to those within the Executive Office of the President (e.g., travel approvals, resource concerns, process concerns, personnel needs, etc.), and, either direct related actions or make recommendations to the Chief of Staff relating to policy portfolios and the determination of roles and responsibilities of personnel within the Executive Office of the President (regardless of whether or not they are direct (see definition below) or indirect reports or whether I directly manage them.

- a) How do you define “direct” reports?

I would define it as anyone whom I manage directly and/or those who directly provide me with the results of tasks on a semi-regular basis. Additionally, I think of it as anyone who could not be hired, fired, given a pay adjustment or disciplinary action without my personal sign off.

- b) Did you have any indirect reports in your role as DHS Chief of Staff, or as Principal Deputy Chief of Staff at the White House? If so, how many?

Indirect reports are those who report to my direct reports. In my answer above I used the term "directly managed" to include indirect and direct reports. As described above, there is a much larger group of employees of whom I had/have coordination and management oversight and/or budget responsibilities.

2. DHS is a large and complex organization made up of 22 component agencies, with many legacy challenges—including staffing, hiring, training, morale, coordination, communication, contracting, and oversight issues—in addition to the “everyday” challenges of carrying out its critical mission to address an evolving threat landscape and ensuring the security of our homeland against all manner of hazards. DHS and many of its components remain on GAO’s High Risk List, though progress has recently been made. Previous secretaries and even component heads have had extensive experience managing change, instituting reforms, and leading large and complex organizations. At most, you have managed two hundred reports; before this year, you had managed fifteen people.
- a) Please explain your general philosophy toward management, and provide examples of your previous work in similar environments.

As you describe, the role of the Secretary and his or her requisite skills include much more than direct management to include extensive experience in managing change, instituting reforms and leading. In addition to what you suggested, I would also add the following skills and capabilities are needed: communication and outreach skills; ability to optimize organizations to achieve successful mission execution; mentoring and career advancement planning; clearly articulating mission, roles and responsibilities; developing priorities; understanding operational environments (whether they be governmental or private sector); and utilizing metrics to ensure effective execution. For DHS especially, the Secretary must understand risk – how to identify and assess it and how to identify the correct mix of personnel, partnerships, technology, infrastructure, tools, programs, policies, authorities and processes to address it. Finally, the DHS Secretary must be able to coordinate and manage diverse stakeholders from all levels of government and varied sectors who voluntarily- without any applicable command and control management- partner to reach common desired outcomes often with very different and conflicting motivations. I have demonstrated skills and capabilities in all of the above throughout my career in homeland security and without question my homeland security expertise enables me to understand where we have been and where we need to go as a Department with respect to mission, authorities, policy, risk, partnerships, and strengthening security and resilience.

As I noted in my policy questionnaire, I lead by example and always through the promotion of integrity, transparency, compliance with the law, and commitment to mission. I believe in ensuring that the mission is clearly articulated - at every level - and that clear objectives and metrics are agreed upon and assessed. I foster a team approach based on concepts of unity of effort and clearly delineate roles and responsibilities based on the mission. I believe in

performance evaluation and in learning and acting on lessons identified, not just observing or admiring them. I expect to be held accountable and hold others accountable. I also believe it is important to take the time to acknowledge a job well done. I have found that talking to personnel on the frontlines, in the field, at their desks is invaluable to understand operating environments, needs and concerns. I believe in empowering those who work with me and believe it is my duty to ensure that they have the authorities, tools, resources and training needed to perform their jobs. I value dissenting opinions and make every effort to ensure that all voices have a place to be heard, and I strive to maintain an environment of trust and respect.

The environments I have worked in during my time in government service have been very similar environments or indeed have been within the Department itself. I have worked with organizations from their inception through to multiple maturation evolutions. I have created organizations, including my own company, advised start-up companies as a lawyer and consultant and as a federal employee as part of the team that stood up TSA. I have lead interagency policy discussions to address conflicting, overlapping or needed authorities between Departments and Agencies. I have worked as a federal employee within the Executive branch and with Congress, and as a consultant to specifically advise federal entities on optimizing organization, training, resourcing etc. for mission execution. In this Administration, I have been instrumental in identifying areas where additional maturation, clarification and organization change are warranted. I have worked in all sectors and in all roles to build private public partnerships to identify and address the nation's risk, security and resilience challenges.

Having been a relatively junior employee at TSA in its earliest days, a White House official working with and coordinating policy related to the Department and its people from outside the Department, and the Chief of Staff of the Department have given me a unique set of perspectives on DHS. I think I understand more about what makes for effective management and leadership in the Department having been one who has led from within and without, and who has consulted from the outside. Having been one who worked with its people and leaders from within the White House and the private sector, I think I also better understand the multi-faceted role of a Secretary. As I said in my responses in the hearing, I do believe leadership and management principles are scalable if applied correctly. I recognize how large this Department is, and agree with your comments during the hearing that it would not be an easy job for anyone, no matter their experience or the number of people they previously managed.

- b) Please describe the management challenges facing DHS. What will be your first priority if confirmed as Secretary?

Should I be confirmed, as I noted in part in the Policy Questionnaire, one of the greatest management challenges and opportunities is in the area of human capital management at DHS, and that is to ensure that the fine men and women of DHS have clarity of mission, are empowered to perform their duties, have all the necessary tools to do their jobs and are both held accountable and acknowledged for their performance. I see these actions as essential to strong job satisfaction and high employee morale. Another principal challenge is improving our ability to recruit, hire and retain talented people. We need to adapt our hiring systems to meet a rapidly changing hiring environment and identify innovative ways to attract key skill sets- such as those needed for the cybersecurity mission. If confirmed, I look forward to

working with the Under Secretary of Management to align human capital objectives across components, the Chief Human Capital Officer and Department leadership as well as OPM, OMB and Congress on creative solutions. Finally, as I referenced in the hearing, I agree with the recent OIG report that DHS must do more to create and enforce strong internal controls and do more to ensure that DHS operates as on team through unity of effort and other initiatives.

- c) What is some of the advice you have received for the job that you intend to follow if confirmed?

I have received a lot of helpful advice including from many former senior officials who encouraged me to accept the nomination. To put Constitution and Country and mission first in all decisions. To fulfill my duties with dedication, determination and resolve and to not worry about the politics or press clippings if I believe in what I/we are doing is best for the country and if in compliance with the law. To embrace the reality that we unfortunately will never be 100% effective 100% of the time in stopping threats but to always keep striving for that anyway. To honor and support the men and women who work every day to keep our country secure. To empower senior officials and to refrain from micro-managing. To "be yourself" and continue leading with my principles of by example and with integrity, transparency, accountability and acknowledgement and to work as a team and not apologize for doing my job. To get out, talk to employees and "kick the tires". To listen to and engage often with stakeholders. To continue to recognize as I have often said that no one entity has all of the capabilities, capacity and authorities to address all of the risk alone- we must continue to strengthen partnerships across levels of government and sectors.

- d) DHS's website shows that fifteen of over 40 senior management roles are vacant or occupied by "acting" officials. What qualities and characteristics will you look for in working to fill those roles? Do you believe your advice will be heeded by the White House in selecting nominees?
I will look for those who share my leadership principles (described above) and who are competent, have relevant expertise and who are otherwise qualified for the job for which they are considered. I have built strong relationships with the White House, am very familiar with the personnel processes and do believe the WH will heed my advice in selecting nominees.

3. Who are your some of your professional mentors and role models, and how have they influenced you over your career?

I have had the benefit of a number of professional mentors and role models to include a college professor and a law professor both of whom encouraged me to speak my mind, always seek the truth, take the time to gather and review facts and perform a systematic assessment before making decisions, to be decisive, to lead by example and to always stay true to my principles and sense of mission. I would also reference what I have learned from having the privilege of working with General Kelly whose unwavering sense of dedication, right and wrong, the importance of speaking truth to power, duty and service to country and mission are not only greatly inspiring but an important reminder of why I left the private sector to again serve the country in government. Such a leader brings out the best in others and can inspire aspects of leadership that will cause those who follow to move mountains in service of others.

4. If confirmed, will you commit to speaking with previous DHS officials from administrations of both parties in order to understand the challenges facing DHS and its components, and to seeking their recommendations for addressing some of those challenges?

Of course. I know well and have already spoken with some who have served in DHS from both the Obama and Bush Administrations. I look forward to talking to many more and commit to getting their perspectives and advice on the many challenges facing DHS and the many threats facing the homeland. I have found that institutional memory and a lessons learned perspective on what has been previously tried, what worked and what didn't work can be invaluable.

5. In the past several years DHS has received poor scores when it comes to overall morale among large agencies in the Federal Employee Viewpoint survey administered by the Office of Personnel Management. However, we've seen some progress in terms of employee morale and engagement across DHS as reported in the *two most recent* Federal Employee Viewpoint Surveys.

- a) What do you believe are metrics that should be used to monitor employee satisfaction and engagement across DHS?

As I understand it, DHS currently uses the Employee Engagement Index (EEI) as its metric for tracking progress on employee engagement. The EEI is an index provided by the Office of Personnel Management, used government wide, and is based on the Federal Employee Viewpoint Survey (FEVS) results.

I also understand that the EEI is comprised of 15 questions that OPM has determined most exemplify "an employee's sense of purpose that is evident in their display of dedication, persistence, and effort in their work or overall attachment to their organization and its mission".

I believe it is important to have metrics that allow us to consistently measure employee satisfaction and engagement from year to year within DHS and to allow us to compare our progress to other cabinet agencies who in turn are also using a consistent metric. It allows DHS to note developments and trends beyond just the most recent year's top level FEVS score. For example, I was thrilled to note that DHS had the largest year to year increase in EEI of any cabinet-level agency from 2016-2017, four percent. USCIS and USCG each had EEI rates higher than any of the cabinet-level agencies at 74%. If confirmed I look forward to discussing with the Under Secretary for Management whether there are additional metrics we are, or should be, using.

- b) From your perspective, what are the key drivers of improving employee morale across DHS?

The short answer is I think more people in the Department today understand their role in enforcing the laws and feel empowered to do it. I believe that morale relates directly to cohesion and cooperation, and those flow from a mutual, clear understanding of mission and risk-based priorities, clearly articulated roles and responsibilities, accountability and acknowledgement, support for the enforcement of our laws, and having the tools and resources needed to do one's job. Ensuring that voices can be heard in an environment of trust and respect is vital. I think some progress we have made in these areas is driving the improvement in morale. I also believe it is important for employees who professionally and effectively conduct their congressionally mandated missions to be confident that the Secretary will support them in the face of public, media and other criticism.

- c) If confirmed, how will you work to continue the progress made as reported in the most recent surveys?

As previously mentioned, I was thrilled to learn that DHS employee satisfaction scores rose 6 percent in the most recent FEVS survey. During my service as the Department's Chief of Staff, we initiated a leadership employee listening tour by the DHS Deputy Secretary. This tour reinforced the need for Department leadership to clearly articulate objectives, hold people accountable and acknowledge success. In addition to the FEVS metrics DHS also uses, under the chairmanship of the Under Secretary for Management, an Employee Engagement Steering Committee (EESC). Through the EESC, DHS component agencies have made concerted efforts to improve their approaches to employee engagement and address workforce issues. For example, Components now create and implement employee engagement action plans. The EESC serves as a forum to both ensure accountability to these plans and to share best practices emerging from them across the Department. I also believe unity of effort and the belief that DHS is one team is essential. If confirmed, I look forward to fully re-engaging in these initiatives to identify what the Department has learned and to develop specific implementation steps the Department can take on issues identified.

6. In the past, DHS has utilized special hiring authorities to onboard individuals in areas where the agency has mission critical skills gaps such as in information technology, specifically, the cybersecurity workforce.
 - a) In your view, what are the primary barriers to recruiting and retaining qualified individuals for occupations at DHS facing skills gaps, and, if confirmed, what steps will you take to address these barriers?

As I noted in the hearing, hiring and retention overall is something that would be at the top of my priority list, should I be confirmed. Some Senators have mentioned, for example, very specific concerns and difficulties we have in hiring for certain geographies. Cybersecurity is an example of a particular area where we have difficulty in not only hiring but retaining qualified people within the Department but it's not the only one. We need to look at recruiting and retaining qualified individuals holistically and across the federal civilian and law enforcement interagency. The hiring system needs to keep up with the times. When I was Chief of Staff, I had conversations with the Deputy Secretary specifically about how DHS advertises, the way we do recruiting, the way in which we're allowing people to apply, what we pay compared to the private sector for employees with certain skills, how long it takes from application to hire, how cumbersome our background investigation process is, etc. We need to take the recruiting to the potential recruits and make the ask accessible to a wide array of potential applicant pools. From a holistic human resources perspective, we've got to have the internal controls in place to ensure we are effective in hiring through the cycle of training, career path planning, professional development and retention. If confirmed I look forward to digging into these issues, because the Department is ultimately only as good as its people.

7. DHS's Headquarters Consolidation project at St. Elizabeths is the largest construction project on the books in the federal government. To date, the project has received over \$2.3 billion dollars, or nearly two-thirds of the \$3.7 billion the previous Administration estimated was needed to complete the project.
 - a) What is your vision for the DHS Headquarters consolidation project at St. Elizabeths?

I know from firsthand experience that the significant and far-flung number of locations where DHS personnel work is a challenge to unity of effort, leveraging DHS capabilities across components, and to headquarters and leadership coordination and management. As such, the DHS Headquarters consolidation will provide greater opportunities for collaboration and enhance mission effectiveness.

- b) Do you believe, as your predecessor did, that the project is an operational necessity that will promote the unity of effort initiative and enhance mission effectiveness?

I do believe that maximizing collocation will facilitate unity of effort and enhance mission effectiveness.

- c) The Fiscal Year 2018 budget request proposed \$135 million for GSA but did not seek new DHS development funding for St. Elizabeths. Do you believe that this funding request will keep the project on track for the previous administration's estimated completion date of 2021?

If confirmed, I commit to assessing the latest plan for DHS Headquarters consolidation and, working with GSA, OMB and the Congress to take appropriate steps on this important project.

- d) In August 2017, DHS wrote to Congress noting that the agency is working aggressively to validate/update the previous Administration's consolidation plan and that DHS and GSA would be happy to brief the Committee once the updated plan is complete. If confirmed, will you commit to providing members of this Committee with an update on the consolidation plan as soon as possible?

Yes.

8. According to media reports, several White House staffers used personal e-mail accounts to conduct government business during your tenure at the White House. In your policy questionnaire, you state that you oversee two hundred White House employees as White House Deputy Chief of Staff.
- a. Please describe your role in ensuring compliance with presidential recordkeeping rules as White House Deputy Chief of Staff.

There are a number of people and organizations within the Executive Office of the President who share responsibility for staff compliance with the recordkeeping rules. I received the policies and guidance on presidential recordkeeping rules when I joined the White House, I ensured that I abided by them and that they were in turn promulgated to those who worked for me. I also asked the WH General Counsel to issue any needed clarifications and to send out a White House wide email reminder of the rules and policies. I also asked the General Counsel to brief senior staff (Assistants to the President), which he did and in conjunction with the Counsel's office we briefed the Deputy Assistants to the President.

9. The National Protection and Programs Directorate at DHS currently employs fewer than ten cybersecurity advisors, whose function is to provide a point of contact at DHS for private sector companies in order to share cybersecurity best practices, conduct security assessments, and advise companies on how to avoid, prepare for, and respond to a breach.

- a) Do you believe DHS needs additional resources in order to carry out its cybersecurity mission?

I look forward, if confirmed, to assessing what additional resources are needed and where/how to more effectively carry out the Department's cybersecurity missions and will continually reassess whether we are both effectively allocating the resources we do have and to balance those resources between 'the field' and NPPD HQ.

- b) If so, if confirmed, are you prepared to advocate strongly for the resources and authorities DHS needs in order to carry out its critical cybersecurity mission?

I am committed to educating OMB and the Congress on any unmet needs or resources I believe that DHS needs to carry out its cybersecurity missions, and all of its missions.

10. Do you believe that renaming NPPD to the Cybersecurity and Infrastructure Protection Agency, or CIPA, would be helpful in fostering a sense of mission among the directorate's employees, and in the directorate's efforts to recruit and hire qualified cybersecurity professionals?

I do not have a particular name in mind for such a reorganization but believe it is important that it denote clearly the cybersecurity, risk, resilience and infrastructure aspects of its mission and would look forward, if confirmed, to working with Congress and other stakeholders to ensure the most effective name to support morale, our recruitment and retention and mission.

11. Do you believe that NPPD should be an operational component of DHS, rather than a directorate within DHS headquarters?

If confirmed, I would like the opportunity to review the details and discuss with NPPD leadership, but yes as I stated in the policy questionnaire, and during the hearing, I believe it should be an operational component to more effectively carry out its mission rather than be treated as a headquarters element.

12. If confirmed, will you commit to working with members of congressional committees on a bipartisan basis to pass legislation authorizing restructuring of NPPD in order to elevate cybersecurity at DHS, eliminate unneeded silos, and to better address the cybersecurity threat?

I do.

13. In your meeting with Senator Carper, you stated that you supported U.S. investment to address the root causes of migration from the Northern Triangle countries of Central America, but that you would want to come back to Congress in a year or so and be able to point to results for the money spent. Plan Colombia, which provided the initial model for the U.S. Strategy for Engagement in Central America, involved a sustained investment over twenty years.

- a) How long, in your mind, should it take to address corruption, violence, and lack of opportunity in countries with endemic corruption and some of the worst violence outside of active war zones?

I cannot answer how long it should or might take, the conditions are complex, different between the countries and evolving. But I agree that it would likely be a sustained multiyear investment that is needed to deliver the level of results that we would hope for. To be clear this investment in time and/or resources must be provided through the federal government and the

private sector. While DHS provides some of that assistance this is a much bigger interagency question involving the State Department, the Department of Defense, the Department of Justice, USAID and others as well as the Congress.

- b) If confirmed, would you commit to working with Secretary Tillerson and bipartisan members of relevant Congressional committees in order to review the status of current U.S. efforts to address the root causes of migration from the Northern Triangle countries of Central America?

I have a close working relationship today with Secretary Tillerson and would, if confirmed, work with him and his team as well as Congress to review these important capacity building efforts in Central America to address not only the root causes of migration but of destabilization and transnational criminal organizations.

- c) Will you work with the heads of CBP and relevant component agencies to ensure that efforts to address root causes are well understood, and accounted for, among leadership as part of efforts to secure the southern border, including in staffing, resource, and budgeting models?

I will.

14. In your policy questionnaire, you state that former Secretary Kelly's knowledge of and commitment to the region [of Central and South America] were of great benefit to you in understanding the drivers of migration into the U.S. Migration from the Northern Triangle of Central America accounts for almost all of the undocumented flow into the United States. If confirmed as Secretary, whose advice and knowledge will you seek out on questions regarding U.S. policy toward Central America and the Northern Triangle, if anyone's?

As mentioned above, I would certainly consult with DHS leadership, Secretary Tillerson and the State Department, Members of Congress, the intelligence community, other federal law enforcement partners, the Department of Defense, NGO's, and of course the leaders of those countries.

15. President Trump has issued an executive order calling for the construction of a wall along the entire border between the US and Mexico. Every estimate agrees that such an undertaking would cost several billion dollars; in your confirmation hearing, you acknowledged that construction of a wall from sea to shining sea was not likely to occur. Additional wall construction could sever wildlife habitat and irreparably damage numerous national parks, wildlife refuges, forests and wilderness areas that are found along our border. Wall construction could also have severe negative consequences for important regional ecotourism economies. For example, a wall through the Santa Ana National Wildlife Refuge would cut the Refuge off from its visitor center.
- a) Should any portion of wall construction move forward, if you are confirmed as Secretary, what will you do to minimize and mitigate damage to wildlife and related ecotourism economies?

If confirmed, I will review current policies. I believe DHS, CBP and the Army Corps of Engineers in previous border construction projects sought to mitigate environmental impacts to wildlife and habitat on public lands wherever possible and worked with stakeholders to do so, including the Department of the Interior and wildlife management officials.

16. Is CBP currently conducting preparation or construction activities for wall or physical barrier construction in the Santa Ana National Wildlife Refuge? Please describe what activities are underway, and the authority under which those activities are taking place.

I am currently unfamiliar with the status of activities and plans by CBP in this area. If confirmed I will ask to be briefed on plans in the area of the Santa Ana Wildlife Refuge.

17. In January, the President issued an executive order mandating that CBP hire 5,000 additional Border Patrol agents, about a twenty five percent increase over the current force, citing a need for additional agents. CBP is currently unable to hire and retain the 21,370 Border Patrol agents it is required to under law.

- a) Do you believe that a rapid increase of five thousand Border Patrol agents as directed by the President, during a period of historically low apprehensions at the border, is consistent with a risk-based approach?

Threat, risk, and need are primary considerations in staffing and resource decisions at CBP. I understand that DHS and CBP jointly use numerous methodologies to identify and validate border security initiatives and investment, including additional personnel. The USBP continues to refine its staffing methodology to determine its requirements to conduct border enforcement operations. I understand these methodologies are described in more detail in the soon to be released Border Security Improvement Plan.

To determine a comprehensive staffing plan we first must understand the requirements of our leaders and operators in the field. I understand the Border Patrol is currently working on a decision support tool which will support a staffing model with a combination of existing data and field input. While apprehensions may be at historically low levels, our border is not yet secure to the levels the American people expect and additional resources are required.

- b) If confirmed as Secretary, would you advocate for returning to a risk-based approach, including use of CBP's Workload Staffing Model?

Overall, as mentioned in other responses I have given to the Committee, I believe strongly in basing the Department's staffing and resourcing decisions on evaluations of risk. I understand, CBP's workload staffing model has been used successfully, particularly at the ports of entry as a tool for projecting staffing needs. However, should I be confirmed I would seek to better understand the model. As I understand it now, it is not risk-based as it does not tie staffing models to threats but is driven by factors such as projected increases in flow of legitimate passengers and cargo.

18. Last spring, the CBP Integrity Advisory Panel found that the agency needs to improve accountability among its law enforcement workforce.

- a) If confirmed as Secretary, will you work with Acting Commissioner McAleenan to implement the recommendations made by the Integrity Panel, including incorporating additional random polygraph examinations for current Border Patrol agents?

Yes, if confirmed I would work with CBP leadership to implement. I am not currently familiar with the specific Panel findings and I would want to understand the specific recommendation and its basis and also to gather information on best practices from other federal agencies that

use in service random polygraphing of employees to determine how to best incorporate such practices into the workforce.

- b) If not, what alternative or additional accountability and integrity measures do you intend to implement?

N/A

19. The H-2B visa program plays an important role in providing a safety net for small and seasonal businesses to supplement their year round workforce when necessary. Congress has set the cap of available H-2B visas at 66,000 per fiscal year. However, earlier this year the Administration drastically lowered the number of H-2B visas available for seasonal workers during the summer, affecting employers throughout the country who rely on these workers to keep their businesses going.

- a) What are your views on the need for H-2B and J-1 visas? If confirmed, will you work with Congress to ensure that sufficient numbers of H-2B visas are provided in a timely manner?

The Department of State maintains the J visa program. The J visa program can serve a valuable purpose and is broad in scope – applicants include au pairs to physicians to students.

The H-2B program allows U.S. employers who meet specific requirements to bring foreign nationals to the U.S. to fill temporary non-agricultural jobs. In past years, I understand Congress has provided for temporary measures to allow “returning workers” to qualify for H-2B visas. From my time as DHS Chief of Staff, I also understand some late-season industries argue that the dates of the two cap openings (i.e., October 1 and April 1) prevent them from obtaining H-2B workers. Under current regulations, USCIS cannot accept an H-2B petition unless it is filed with an approved temporary labor certification (TLC) issued by the Department of Labor. DOL regulations, in turn, provide that an employer cannot apply for a TLC with the DOL until 90 days before the start date of work to ensure that no U.S. workers are able and available to perform the proffered temporary jobs. If confirmed, I look forward to working with Congress on any improvements that can be made to the interagency process for administering these temporary worker programs to meet the goal of providing needed workers in various industries while reducing any opportunities for fraud and abuse and ensuring that the processes to protect American workers are followed.

- b) If confirmed, will you work with USCIS and Congress to come up with a permanent solution for H-2B visas in order to provide predictability to our seasonal businesses?

If confirmed, I look forward to working with Congress on any improvements that can be made to the interagency process for administering these temporary worker programs to meet the goal of providing needed workers in various industries while reducing any opportunities for fraud and abuse and ensuring that the processes to protect American workers are followed.

20. On September 5, 2017, the Trump Administration announced it was rescinding the Obama Administration memorandum creating the Deferred Action for Childhood Arrivals (DACA) program, effectively ending the program and creating an elevated level of uncertainty for the hundreds of thousands of young men and women, known as Dreamers, who were brought to this country as children. In your confirmation hearing, you stated that you agreed that legislation must be

passed in order to solve this problem.

- a) If confirmed, will you commit to actively working with Congress to pass a law providing a permanent fix for Dreamers?

As I also addressed in the hearing and my policy questionnaire, if confirmed, I will stand ready to work with Congress to provide any technical assistance needed towards a permanent, legal solution for DACA recipients and towards enacting measures that enhance border security, interior enforcement, and our immigration system generally.

- b) If confirmed, will you issue clear guidance to ICE and CBP ensuring that Dreamers are not treated as enforcement priorities?

As I responded to similar questions in the hearing, DHS has established enforcement priorities that target criminal aliens, persons who pose a threat to national security or public safety or those who have a final order of removal. All other categories of removable aliens would be a lower enforcement priority. If confirmed, I will work with ICE and CPB leadership to review enforcement priorities and ensure that guidance is clearly articulated.

21. In your policy questionnaire, you stated that “I believe in performance evaluation and acting on lessons identified, not just observing or admiring them.” On January 27, 2017, President Trump signed Executive Order #13769, banning travel to the United States from seven majority-Muslim countries effective immediately. During the campaign, the president had called for a “total and complete shutdown of Muslims entering the United States.” Then-Secretary Kelly publicly took responsibility for the ban’s chaotic rollout; at the time, you were his chief of staff.

- a. Please describe your role in the development and issuance of the travel ban.

I have been advised that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to comment at this time.

- b. What lessons did you learn from the ban’s rollout, and how did you act on lessons identified in the rollout of the second version of the travel ban, signed March 9, 2017?

Orderly and comprehensive rollouts of Executive Orders and policy are vital to their effective implementation. DHS worked to ensure that the March EO rollout was comprehensive and orderly. I have been advised that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to further comment at this time.

22. The President in late September issued a proclamation implementing a travel ban affecting eight countries, six of which are Muslim-majority. According to the administration, the restrictions imposed under the proclamation are based on findings from a “worldwide review” of foreign countries’ security, information sharing, and other practices conducted by the Secretary of Homeland Security. Parts of this report were shared with foreign governments. However, administration officials have informed congressional staff that the DHS products cited in the proclamation, and used to inform and develop the travel ban, will not be provided to Congress.

- a. Please describe what role, if any, you played in the worldwide review and in development of the proclamation, directly or indirectly.

As Principal Deputy Chief of Staff, I participated in early interagency policy meetings prior to my nomination. I have been advised, that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to further comment.

- b. Will you commit to provide any documents DHS developed as part of the travel ban review to Congress? Will you commit to doing so within 120 days of taking office? If not, why not?

I highly value the role Congressional oversight committees play and if confirmed, I commit to respond appropriately to all reasonable requests from Congress within a reasonable time frame. I do not know at present the details of what these described documents entail and which, if any of them, may be the subject of ongoing litigation.

- c. Section (j) of the September 24th Presidential proclamation states, "Section 2 of this proclamation describes some of the inadequacies that led me to impose restrictions on the specified countries. Describing all of those reasons publicly, however, would cause serious damage to the national security of the United States, and many such descriptions are classified."

- ii) Do you agree that providing the reasons that restrictions were imposed on the specified countries to members of relevant oversight committees of Congress would not damage national security?

I highly value the role Congressional oversight committees play and recognize that information can be provided at the classified level as appropriate. If confirmed, I will work with DHS leadership to ensure that needed information is provided to aid in oversight duties.

- iii) Do you agree that Congress can receive classified information?

Yes. Persons with a clearance and a need to know are eligible to receive classified information as long as they ensure that the information is handled properly and not publicly disclosed.

- iv) If confirmed, will you commit to providing relevant information in response to requests from members of Congress?

I highly value the role Congressional oversight committees play and if confirmed, I commit to respond appropriately to all reasonable requests from Congress within a reasonable time frame.

23. Please describe your understanding of why Chad was included in the latest travel ban, and why Sudan was removed.

I have been advised that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to comment.

24. The President's executive orders of January 27th, March 6th, and September 24th, by his own words, are geared toward barring Muslims from entering the United States. Later in summer, after the Supreme Court allowed much of the revised travel ban to proceed, the administration initially issued guidance interpreting the order to allow immediate family but not grandparents from countries named in the order, though the Court's ruling appeared to require no guidance. Later, the administration revised the guidance to allow grandparents as a bona fide connection.

- a) Please describe DHS's role, if any, in determining that grandparents specifically should be blocked from entry, including any risk assessments conducted by DHS that concluded that grandparents pose a greater threat than other extended family members.

I am not familiar with DHS' role as described above.

- b) Please describe your role, if any, in coordinating with the Departments of Justice and State in issuing the administration's guidance.

I did not play a role in issuing the guidance described.

25. In general, do you believe that requests for information from members of Congress regarding DHS's role in developing or informing Executive Orders 13769 and 13780, and the Presidential Proclamation issued on September 24th, fall into the category of "reasonable requests," for the purposes of your willingness to respond to such requests in a timely manner?

I am not familiar with all previous requests and which of them may cover matters under ongoing litigation or to which DHS may have responded. If confirmed, I commit to respond appropriately to all reasonable requests from Congress within a reasonable timeframe.

26. Do you support the President's Fiscal Year 2018 budget proposal to cut FEMA preparedness grants to states and localities? What analysis or evidence, if any, informs your position?

While the federal government should continue to support states and localities through preparedness grants and other assistance, the Fiscal Year 2018 budget reflects difficult budget choices balancing addressing various risks and available federal resources with expectations that state and local authorities are today able to shoulder more of the responsibility given the considerable federal investment made in recent years in preparedness, response, and resilience capabilities.

27. In your policy questionnaire, you note that your role as Special Assistant to the President for Preparedness and Response during Hurricane Katrina response was to "direct traffic," answer questions, and include requests for assistance and additional requests for information. In addition to a plethora of other findings describing what went wrong, the Katrina reports issued by both the House and Senate include findings that information sent to the White House was not getting to where it needed to be. Please respond to those findings and provide any additional information you think is relevant.

I worked to clarify roles within the WH for incident management support, the gathering and transmission of requests for assistance and requests for information and communication and outreach to and from government officials, stakeholders, and citizens. My goal was to have one WH office communicate with one entity at DHS as much as possible to reduce potential overlap and double tasking and to ensure that needed attention was not unnecessarily diverted

from response and recovery operations. Upon receiving situation reports from DHS and interagency partners, HSC sent a situation report to relevant WH offices to provide collated information collected from the interagency.

28. To whom did you report during your tenure as Special Assistant to the President for Preparedness and Response?

I served as a Special Assistant to the President and Senior Director for Prevention, Preparedness and Response. As I stated in the Policy Questionnaire, I reported to Fran Townsend, the Homeland Security Advisor.

29. At any time during Hurricane Katrina, did you advise President Bush or other White House officials with relevant decision-making authority that he should make a public statement regarding the ongoing crisis, or that he should visit the affected area?

I can say that my role on the Homeland Security Council at the time did not involve advising the President directly on his public statements or travel. However, in light of the confidentiality interests that attach to Executive Branch decision-making, I am unable to reveal the substance of conversations I may have had with other presidential advisors during the course of my time at the White House or what pre-decisional advice I may have provided. It is critically important, in my view, that the President is able to receive confidential advice without concern that the advice might later be divulged. I have always been honest and candid in my interactions with the President and will continue to do so as the Secretary of Homeland Security, if confirmed.

30. On Thursday, November 2nd, 43 days after landfall, FEMA approved permanent work designations C-G for Puerto Rico, through the FEMA 428 program. Officials in Puerto Rico have raised concerns about the use of this program, given that damage assessments on the island are ongoing, power is not yet restored to many parts of the island, and hazardous conditions in many areas threaten to worsen the current damage.

- a) Please describe your understanding of the FEMA 428 alternative procedures program. Is it appropriate to apply these procedures to the entire island while response is still under way?

Even as Puerto Rico, FEMA, and other federal partners continue to sustain response activities to stabilize the island, it is appropriate to begin to plan for and look forward to the long road to recovery ahead. As I understand it, alternative procedures, as authorized by section 428 of the Stafford Act, enable FEMA to work with the Commonwealth to consolidate projects at a sector level, and to operate using capped, fixed estimates for projects rather than having thousands of individual projects that could drag out recovery for many years. Alternative procedures also provide financial incentives and disincentives for the timely and cost-effective completion of projects with FEMA assistance, such as allowing cost underruns to be utilized to fund mitigation projects and overruns not being reimbursed by the Federal government. As I understand it, the alternative procedures and permanent work designations were agreed to by the Governor after in depth discussions with the federal government.

I believe that FEMA also plans to use the alternative procedures to support Puerto Rico in providing appropriate project management and fiscal oversight infrastructure to protect the significant Federal investment we are poised to make towards Puerto Rico's recovery. We are

unable to take this step under standard procedures in the way we can when we use Section 428. As I understand the situation and considering the magnitude of the damage, alternative procedures is an appropriate approach to guide FEMA funded recovery efforts by providing Puerto Rico the flexibility to drive its recovery with less administrative burden, and FEMA the appropriate controls to protect the taxpayers' investment.

- b) In Texas and the U.S. Virgin Islands, designations C through G were approved ten days and two weeks, respectively, after storms made landfall.

- i) Please explain why Puerto Rico's designation took so much longer than the others.

As we know from all the public reporting, the challenges in responding to the immediate impacts of Hurricane Maria in Puerto Rico were significant. Efforts to stabilize the island through life saving and life sustaining response activities extended far beyond the time in which similar actions were required in either Texas or the USVI. During this time I am told, category A and B provided FEMA and Puerto Rico all the authority and funding required, and category C through G authorities were not needed. In addition, the magnitude of the damage required thoughtful consideration of how to approach recovery, while continuing to maintain response activities. The timeframe for approval of categories C through G for Puerto Rico did not limit ongoing response activities nor slow or otherwise impact the pace of recovery for Puerto Rico. If confirmed, I look forward to being briefed on any lessons learned from this timeline, on the invocation of the various authorities, and as to whether there would be any reason to do so differently in future situations.

- ii) Please explain why cost sharing was approved for Texas and USVI, but not Puerto Rico.

As I understand it presently, just as in Texas and USVI, on November 2 the Administration approved an adjustment to the cost share for Public Assistance Category C through G to a 90% federal cost share. Previously, the President established a cost share of 100% for Category A and B work for a period of 180 days.

31. Evidence shows that investments in pre-disaster mitigation save roughly \$4 for every \$1 spent. You have described yourself as a proponent of risk-based investments. Do you believe that investment in PDM should be increased or decreased?

As noted, pre-disaster mitigation (PDM) has a high return on taxpayer investment. And PDM can be targeted to projects that have the greatest likelihood to reduce risk to a community. By reducing risks prior to a disaster, communities and taxpayers will lower their financial exposure and enhance their resilience. This will benefit the community and federal taxpayers alike. I believe we should do more with PDM if possible.

32. What was your role, if any, in reviewing or developing the President's FY18 budget request for DHS?

As Chief of Staff, I supported then-Secretary Kelly in his decision-making process and as decisions were made within the Administration to finalize the President's Budget Request.

33. On September 11, 2017, GAO issued a report which found that TSA needs to evaluate the cost and effectiveness of all of its passenger aviation security countermeasures in order to determine whether its investments in various areas, including the FAMS and BDO programs and other layers of security, are yielding results.

a) Are you familiar with this report?

I am not familiar with that particular report at this time.

b) If confirmed, will you work with Administrator Pekoske to review GAO's findings, and to develop a plan to address them?

I will.

c) According to media reports, in 2015, internal testing of TSA's ability to detect prohibited items produced a 95% failure rate. Following these leaks, Vice Admiral Peter Neffenger was confirmed to lead the TSA. Administrator Neffenger implemented a series of initiatives to improve screening performance and processes through training improvements, management reforms, and other steps, but substantial challenges remain.

i) If confirmed, will you work with Administrator Pekoske to review these reforms, and to continue them where needed?

I will.

d) Administrator Neffenger also implemented a series of initiatives working with the private sector to reduce wait times at airports, and to make needed investments in upgrading screening technology and equipment. These included creating the Innovation Task Force, standing up the Incident Command Center, and others.

i) If confirmed, will you commit to learning about these initiatives and working to ensure that programs to improve screening technologies and reduce wait times are implemented and evaluated appropriately?

I will.

34. Please provide a list of all of your official travel, including dates, with DHS Secretary John Kelly or Acting Secretary Elaine Duke during your tenure as DHS Chief of Staff. Please list whether this official travel was on chartered or military aircraft.

While I was DHS Chief of Staff I never officially travelled on my own or with Deputy Secretary Duke. I did accompany Secretary Kelly multiple times for official travel on the military aircraft typically used by the Secretary. As you know, under OMB Circular A-126 governing "required use" and subsequent guidance issued after DHS was brought into existence, the Secretary of Homeland Security is one of the designated federal cabinet level officials (along with the Secretary of Defense, Secretary of State, and the Attorney General) who is required to utilize military or other government aircraft for travel due to the need for instantaneous, secure emergency communications. Accordingly, the Secretary did not use chartered or commercial aircraft for travel. I have attached a record that DHS was able to produce that summarizes the

dates and locations of travel that Secretary Kelly undertook and which shows me manifested. This chart appears accurate to me matching my own recollection of travel in which I accompanied the Secretary.

35. During the 114th Congress, the Senate voted 91-3 to approve an amendment that would authorize TSA to nearly double the number of Visible Intermodal Prevention and Response, or VIPR teams, following the March attack in the Brussels airport. That amendment ultimately became law (see Subtitle F of P.L. 114-190).

- a) Do you agree with the President's FY 18 budget proposal to cut the number of VIPR teams funded from 31 to eight? What analysis or evidence, if any, informs your position?

As I stated in the Policy Questionnaire, I believe it is important that the Department have some specially trained personnel who are deployable anywhere for enhanced deterrence or response to threats against critical mass transportation modes. The Visible Intermodal Prevention and Response (VIPR) teams of TSA serve that role. However, the primary security and law enforcement response at airports around and outside TSA checkpoints is local municipal or transit authority police. For other modes of transportation, the federal government offers support, training, and technical assistance to the local or transit authority or port authority law enforcement agency that has primary responsibility and jurisdiction. To respond to evolving threats, TSA continues to prioritize its canine program – and supports state and local law enforcement with those assets. If confirmed, I will work with Administrator Pekoske to ensure that the resources and means provided by Congress advance the very best security capabilities possible in the protection of our transportation systems.

36. You have indicated that DHS is currently undertaking an ongoing review of terrorism and violent extremism prevention related activities.

- a) What are the parameters of this review?

As the nominee, I have not been briefed on the parameters of the review, but if confirmed, look forward to being briefed on this.

- b) Which organizations within and outside of DHS are contributing to this review either through the submission of data or through direct discussions of existing programs and recommendations for the future?

As the nominee, I do not yet know exactly which organizations within or outside DHS are contributing but I hope to be full informed soon, if confirmed.

- c) What metrics are being used to assess past success or failure, and what metrics will be used to judge future success or failure?

As the nominee, I also do not know the current metrics being used to assess past successes and failures and I am sure those will in turn inform metrics to assess future success, but I look forward to being fully briefed, if confirmed.

37. You have stated that today we are “much more concerned” with addressing the ability of ISIS to inspire lone wolf attacks throughout the world. Please describe the role DHS has in reducing the

ability of ISIS and other extremist groups to inspire lone wolf actors, including new initiatives you are currently considering that are not yet being implemented.

The biggest challenge for DHS and all of the interagency partners from the federal law enforcement and intelligence community is in reducing the ability of extremist groups to inspire lone wolf actors and finding creative ways to reduce the availability and impact of materials that lead to radicalization within the limits of the First Amendment and the realities of the internet. As I responded to a question in the hearing from Chairman Johnson, I would offer that I think we need to have a serious discussion, frankly, in conjunction with the executive branch and the legislative branch to really look at this issue of content intended to radicalize or provide “how to” manuals for conducting attacks to see if we are doing all we can do within Constitutional limits on where we draw the lines on inherently dangerous content. Obviously, our rules and the values that we hold dear enable each one of us to speak freely within this country but we must eliminate the ability of terrorists to direct or inspire others to violence. As a first step, inherently dangerous content may violate the terms of service of the hosting entities. As we have seen, some of the Internet companies responded recently by taking down white supremacist and neo-Nazi sites that violated use policies as they have done previously with terrorist content – it can be done. I do think we have to have that conversation and then work with those who provide and enable that information on the internet to find a way to identify it and remove it, should we determine that it's not appropriate.

38. You have stated the security of our homeland depends on close relationships between law enforcement and the communities in which they serve.

a) Would you agree that community partnerships are an essential part of countering violent extremism and radicalization? Why or why not?

Both community organizations and local law enforcement play a critical role in helping us to deter, detect and disrupt potential terrorist or extremist activity. They provide tools and resources to those, and in some cases to their families, who are on a path to radicalization offering a different path. They are also the eyes and ears closer to and more attuned to potential warning signs of radicalization in their communities.

b) Would you agree that providing more resources to the Office of Community Partnerships is vital to building relationships with the communities which law enforcement and DHS serve?

I believe public outreach is a vital DHS role. Should I be confirmed, I will review all outreach focused offices to include the Office of Partnership and Engagement, the Office of Civil Rights and Civil Liberties and the Office of Community Partnerships. I would first, if confirmed, want to ensure we are using existing resources wisely and effectively. If additional resources are needed for their missions, I will work with the Administration and the Congress to ensure they are sufficiently funded.

c) Do you believe it would be helpful to have specific Congressional authorization for the Office of Community Partnerships at DHS? Why or why not?

If confirmed, I will review the ongoing efforts of the Office of Community Partnerships, as well as its budget and authorities, and if specific authorization would be helpful in ensuring effective mission execution, I will work with the Congress accordingly.

39. After briefly halting the CVE grants program earlier this year, DHS announced a revised list of grant awardees. The new list of grantees did not include any organizations focused on countering violent messages from white supremacist groups.

- a) Do you believe CVE grants should be awarded to groups and organizations that are specifically dedicated to combatting violent messages and actions from white supremacists?

As I understand it, more than half of the grants awarded under the CVE Grant Program were to organizations with proposals to combat all forms of violent extremism, which includes violent white supremacy. As we reviewed this program, it was our belief that any proposal to combat violent extremism, in whatever form, deserved consideration. If confirmed, I will ensure the Department does all that is appropriate and within its authorities working with its interagency partners and State and local law enforcement to help protect Americans from violent white supremacy groups and other violent extremist groups.

- b) To your knowledge, has the threat of violence from white supremacy groups subsided or grown in the past year?

While I do not have a current assessment from DHS or the FBI on specific trends in violent white supremacy, it is clear to me that it is a real and serious threat to our communities, and if confirmed, I will ensure the Department does all that is appropriate and within its authorities to help protect Americans from such violent extremist groups.

- c) Do you consider violence perpetrated by white supremacists or white supremacist groups to be terrorism?

I consider any form of ideologically motivated violence meant to intimidate or coerce the population or to influence government policy to fit within the general definition of terrorism. While domestic terrorism is defined in U.S. law, there are no designated domestic terror groups in the United States and domestic terrorism is not a specifically enumerated crime under federal law.

- d) You have stated that if confirmed you plan to be forward leaning in driving DHS terrorism prevention activities and programs, including through enhanced engagement with at-risk communities targeted by terrorists. Do you believe enhanced engagement is needed with at-risk communities targeted by white supremacist, environmental extremist, and other non-Islamic extremist groups?

We must work to counter all forms of violent extremism. I do think enhanced engagement should be considered with and within such communities, and if confirmed I will ensure our terrorism prevention posture is risk-based and intelligence-driven.

- e) You have stated in response to questions regarding the CVE grants that were awarded to groups countering white nationalist messages by the previous administration, and then subsequently re-awarded to other groups under the Trump administration earlier this year, that you believe all types of violent extremism must be countered and that if confirmed, you plan to assess the effectiveness of CVE grants based on data. How will you assess the effectiveness of DHS grant expenditures aimed at countering white nationalist or white supremacist violent extremism if no such grants exist?

The previous administration did not issue CVE grants – DHS, at the time, issued a press release noting an “intention to issue grants” at some future date. The current administration issued the CVE grants. As noted previously, more than half of the grants awarded under the CVE Grant Program by the current administration were to organizations with proposals to combat all forms of violent extremism, which includes violent white supremacy. If confirmed, I will ensure the Office of Community Partnerships continues with its proposal to comprehensively assess the results of awarded grants, including assessing how the terrorism prevention constructs funded were used—or could be used—to mitigate threats such as violent white supremacy.

40. Do you believe the designation of election infrastructure as critical infrastructure should remain in place? Why or why not?

Yes, because of the importance of election infrastructure to the very foundation of our democratic institutions and its continued vulnerability this designation should absolutely remain in place. I believe the designation of election infrastructure as critical infrastructure serves to underscore and formalize the support, services, and data provided by DHS to its election related partners.

41. Please detail policy recommendations for how DHS, and NPPD specifically as the sector-specific agency, can better inform state and local election officials of the types of guidance and assistance they are eligible to receive and encourage local election officials to take advantage of often free resources provided by DHS to better protect their election infrastructure.

The Election Infrastructure Subsector was established in January of this year. As I understand it, the Election Infrastructure Subsector Government Coordinating Council (GCC) has been established to further the partnership between federal, state and local partners and to develop and strengthen information sharing protocols and processes, including providing Security Clearances to Chief Election Officials. DHS, and NPPD specifically as the sector-specific agency, continues to provide guidance and assistance upon request to state and local election officials. Should I be confirmed, I will work with the leadership of NPPD to ensure that DHS is doing all it can through a variety of outreach mechanisms to inform state and local election officials of the types of guidance and assistance provided by DHS and how to best leverage them.

42. Do you believe DHS needs additional resources or authorities to provide needed resources to states to protect our election critical infrastructure?

As the nominee, I have no reason to believe that at this time. Should I be confirmed, I look forward to working with NPPD leadership to ensure DHS is doing all it can to provide assistance

and support in the protection of our nation's election infrastructure. As I responded during the hearing, the primary role of DHS, as you know, is to respond to requests from those state and local officials, ensure that they have the clearance so that they can receive the information, and then offer a variety of tools to ensure infrastructure protection against supply chain threats all the way through to the dissemination of the voter rolls.

I would also offer that redundancy and the ability to audit are vital. So whether it's paper ballots or whether it's physically moving the ballots as they do in California, as chaperoned by the highway patrol, we need to work to ensure the integrity of our electoral system.

43. What is the role of DHS within the inter-agency in protecting election critical infrastructure? How will DHS leverage the resources of other federate, state, and local agencies to best protect election infrastructure?

Elections are administered by state and local governments. DHS leads federal efforts to share information and provide technical assistance in order to help these officials protect their systems. DHS has created the Government Coordinating Council which I have discussed elsewhere in the Questions for the Record. From a cybersecurity perspective, within DHS's National Protection and Programs Directorate, the National Cybersecurity and Communications Integration Center (NCCIC) serves as a 24/7 cyber monitoring, incident response, and management center and as a national hub of cyber and communications integration. NCCIC operates at the intersection of, and includes representation from, the private sector, state and local governments, federal civilian government agencies, law enforcement, intelligence, defense communities, and international partners. The mission of this civilian hub is to apply unique analytic perspectives, ensuring shared situational awareness, provide technical assistance, and orchestrating synchronized response efforts while protecting the civil liberties and privacy rights of Americans.

In addition to leveraging the expertise within state and local governments and the private sector, DHS works closely with other federal agencies. DHS works closely with the National Institute of Standards and Technology (NIST) on cybersecurity standards and guidelines and the voluntary cybersecurity framework. NIST chairs the Technical Guidelines Development Committee (TGDC). TGDC assists the U.S. Election Assistance Commission (EAC), an independent, bipartisan commission charged with creating Voluntary Voting System Guidelines and operating the federal government's first voting system certification program. Specifically, NIST is working with EAC to develop Voluntary Voting System Guidelines (VVSG). VVSG are a set of specifications and requirements against which voting systems can be tested. Some factors examined include basic functionality, accessibility, and security capabilities. NIST is also conducting an evaluation of independent non-Federal laboratories to carry out the testing of voting systems and to submit recommendations of qualified laboratories to EAC for accreditation. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

In addition to its cyber responsibilities, the Department of Justice Voting Section enforces the civil provisions of federal laws that protect the right to vote. The Department of Defense runs the Federal Voting Assistance Program (FVAP) to ensure military service members, their eligible family members, and overseas citizens are aware of their right to vote and have the resources to do so—from anywhere in the world.

EAC, NIST, DOJ, FBI, and DOD FVAP have been valued partners in guiding DHS through the complex policy environment of State and local elections. These agencies have facilitated opportunities for DHS to connect with chief election officials, to speak at the Technical Guidelines Development Committee, and maintain situational awareness with FBI's Election Crime Coordinators.

44. You have indicated that you have on several occasions led and overseen policy development and implementation related to critical infrastructure. Please detail what, if any, election infrastructure policy recommendations you have made or played a significant role in implementing.

I have had no policy development role with respect to election infrastructure other than recommending to then Secretary Kelly that DHS maintain the designation of election infrastructure as critical infrastructure.

45. DHS has been attempting to strengthen information sharing between DHS and state and local authorities by providing security clearances to select state election officials.

- a) Will you commit to working to ensure that all designated election officials in all states and territories will have a security clearance at least ninety days before the 2018 U.S. Congressional elections?

I understand that the DHS Office of Intelligence and Analysis (I&A) has contacted state chief election officials on behalf of the NPPD-led Election Infrastructure Subsector Sector-Specific Agency (SSA) to begin the security clearance process and to support the processing of clearances for state chief election officials in each state. It is anticipated that the clearance nomination process will be expanded to include additional state election personnel to allow for additional election-related staff to receive classified information at the state and local level.

As I understand it, ensuring that appropriate election officials in the States have security clearances is a top priority for the Department. However, other agencies also play a critical role in the timely processing of security clearance applications- for example those agencies that conduct background investigations. Also, some security clearance applications can take longer to process due to derogatory information in the applicant's background, potentially leading to the denial of a clearance.

If confirmed, I am committed to ensuring that election officials receive appropriate threat information. While it is the goal of DHS, and would be my goal if confirmed, to provide these clearances as quickly as possible, it should be noted that the Department has other tools to provide officials with classified information when necessary. For instance, through DHS processes or by leveraging those of partner agencies, DHS can provide one-day read ins for classified information when appropriate.

- i) If you encounter delays in achieving this goal, will you commit to advising Congress of the delays, and actions you are taking to address them, in a timely manner?

If confirmed, I am committed to keeping Congress informed regarding the status of providing security clearances to election officials, as well as our broader efforts related to election

security. Safeguarding our elections is a shared responsibility, and we must work together on this important issue.

- b) How will DHS, through I&A, task forces, or other department entities, work to downgrade classified information so it can be expeditiously shared with state and local officials?

It is important to recognize that the Department of Homeland Security seeks to share information at the lowest classification level whenever possible, and when possible in an unclassified form. Through the Office of Intelligence and Analysis and other direct partnerships with other elements of the intelligence community, DHS has extensive experience and commitment to these objectives. Through tear-line processes and other methods, DHS can often provide network defenders with actionable technical information while still protecting sensitive, classified sources and methods.

46. What threshold do you believe DHS and the government as a whole should use when determining what information should be made public about attempted or successful meddling in elections by foreign actors?

I believe that DHS and the government should provide the public with actionable information that enables state and local officials, including network defenders, to better protect their networks and election infrastructure. To the extent that the government is aware of attempts by foreign actors to threaten our election process, the government should make every effort to appropriately declassify and share this information. Often, we can share declassified assessments of threat actors, while still protecting sensitive, classified sources and methods.

- a) Do you believe the public has a right to know if foreign actors are attempting to meddle in our elections?

Our elections are run by state and local governments in thousands of jurisdictions across the country. In order to provide all of them with information necessary to understand and respond to the threat, it is most practical to declassify this information so it can be shared broadly. To the extent that the government is aware of attempts by foreign actors to threaten our election process, the government should appropriately communicate that threat to the public.

47. What changes do you believe DHS needs to make to best position itself to combat foreign interference in our elections?

DHS needs to build upon its partnerships with state and local election officials, including the establishment of formalized information sharing protocols. In so doing, DHS will ensure that threat information reaches appropriate election officials. If confirmed, I will be briefed on all DHS efforts to combat foreign interference in our elections and will work with NPPD and I&A leadership to ensure that DHS is effectively leveraging its capabilities and capacities towards that end.

48. In order for Congress to fulfill its constitutional duty to conduct oversight, members of Congress must be able to receive testimony, briefings and other information from the executive branch upon request. To ensure that you and your agency fulfill its obligation to respond to congressional inquiries in a timely and comprehensive manner, I ask the following:

- a. If confirmed, do you commit without reservation to comply with any request or summons to appear and testify before committees of Congress?

If confirmed, I would comply without reservation to all lawful requests.

- b. If confirmed, do you commit without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, committees of Congress?

If confirmed, I would comply without reservation to all lawful requests.

- c. If confirmed, do you commit without reservation to respond fully, completely, and promptly to all congressional inquiries and requests for documents, communications, or any other material or information from members of Congress, including request from members in the minority?

If confirmed, I would comply without reservation to all lawful requests.

- d. If confirmed, do you commit without reservation to take all reasonable steps to ensure that you and your agency comply with deadlines established for requested information?

If confirmed, I commit without reservation to taking all reasonable steps to ensure that DHS provides timely information in response to all lawful requests.

- e. If confirmed, do you commit without reservation to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress?

If confirmed, I would comply without reservation.

- f. Are you aware of any Department policy restricting congressional committees from interviewing DHS personnel below the GS-15 or Senior Executive Service level?

I am not aware of such a policy.

- g. If confirmed, what would DHS's policy be under your leadership regarding the appearance of personnel, at all levels of seniority, to testify before or be interviewed by congressional committees?

If confirmed, my policy would be to cooperate with all reasonable requests for officials at DHS at all levels to provide needed information to Congress.

49. Was anyone who assisted with your nomination process or attended your meetings with Senators during your nomination process a special government employee?

No.

- a) Please provide any legal advice provided by the White House Counsel's Office, the White House Office of Presidential Personnel and/or DHS addressing whether voluntary assistance provided by any individual or entity in your nomination process is consistent with the gift rules and laws applicable to federal employees and the Trump Administration Ethics Pledge.

Proper legal advice was sought through White House Counsel's Office to ensure that any voluntary assistance related to my nomination, as is done for all volunteers who work with the federal government, complies with all applicable legal authorities. I have been advised that given the confidentiality of all WH Counsel legal advice given to WH officials, I am not able to provide additional information.

- b) Please provide any legal advice provided by the White House Counsel's Office, the White House Office of Presidential Personnel and/or DHS addressing whether voluntary assistance provided by any individual or entity in your nomination process is a violation of the Anti-Deficiency Act under 31 U.S.C. § 1342.

Proper legal advice was sought through White House Counsel's Office to ensure that any voluntary assistance related to my nomination, as is done for all volunteers who work with the federal government, complies with all applicable legal authorities. I have been advised that given the confidentiality of all WH Counsel legal advice given to WH officials, I am not able to provide additional information.

- c) Please describe what steps will you take, if confirmed, to ensure that any individual or entity involved in your nomination process will not have greater access to you or undue influence over DHS policy or contracting than any other interest group or constituent?

If confirmed, I will, as I have in previous roles in government comply with all applicable ethics guidelines which ensure that any past relationships by government officials, whether of a personal or professional nature, do not result in greater access or undue influence over any matter.

50. During your time at DHS, did you receive any requests for information from DHS's Office of Inspector General?

- a) If so, please describe those requests and indicate whether you cooperated fully with any such requests. If not, please explain why.

As the DHS Chief of Staff, I met periodically with the IG and the Secretary. The IG and I also had conversations about routine agency oversight matters. To my knowledge, I did not receive any specific requests for information addressed to me.

51. If confirmed, what guidance do you plan to implement to ensure covered employees in DHS are in compliance with all applicable federal recordkeeping laws?

If confirmed, I would ask the Department Office of General Counsel to review current guidance in place from the DHS Office of General Counsel and other Department organizations responsible for assisting in compliance. Further, if the review determined guidance was unclear, not widely circulated, conflicting and/or not complete, I would ask that the guidance be revised

and updated accordingly in order to ensure compliance with applicable recordkeeping requirements.

52. What is your stance on agency and White House compliance with the Federal Records Act and the Presidential Records Act?

I believe it is important to comply with such recordkeeping requirements under law.

53. Are you aware if President Trump is using a secured, encrypted smartphone for his personal use? If so, please indicate when President Trump began using a secure, encrypted smartphone.

In the interests of the security and confidentiality surrounding what devices the President of the United States has access to or their capabilities, I cannot comment.

54. Are you aware of any Department of Homeland Security officials engaging in prohibited political activity under the Hatch Act?

I am only aware of media reporting that alleged possible Hatch Act issues.

55. During your time as Deputy Chief of Staff at the White House, were you aware of any officials engaging in prohibited political activity under the Hatch Act?

I was not.

56. If confirmed, please describe the efforts you will undertake to ensure compliance with the Hatch Act.

If confirmed, I will ask the Department Office of General Counsel to review current guidance in place from the DHS Office of General Counsel and other Department organizations responsible for assisting in compliance. Further, if the review determined guidance was unclear, not widely circulated, conflicting and/or not complete, I would ask that the guidance be revised and updated accordingly to ensure compliance with the Hatch Act.

57. If confirmed, please describe the efforts you will undertake to secure, modernize, and properly resource all ports of entry around the country.

How we resource the ports of entry requires additional focus to more effectively find the "needle" of hidden drugs or other contraband among the "haystack" of huge volumes of legitimate trade and travel. We want to impose greater security without 'thickening' the border in a way that is economically damaging. If confirmed, I look forward to reviewing the draft strategic plans to better understand what can realistically be achieved, how quickly, and with what mix of resources to better secure all of our borders in the view of our experts and then working with the Administration and Congress to close any gaps.

58. If confirmed, please describe the efforts you will undertake to secure, modernize, and properly resource the United States Postal Service's International Service Centers at the airports in New York, Los Angeles, Chicago, Miami, and San Francisco.

I understand that CBP is committed to addressing the growing threat in the international mail environment, with an eye particularly on the growing opioid crisis. CBP is currently working with the U.S. Postal Service to implement electronic systems to locate high risk shipments, targeted by CBP, for inspection. CBP is also looking to increase staffing at the international mail facilities to help address the increased volume of shipments. If confirmed I will ensure CBP and the Department continue these efforts to better secure, modernize and properly resource these facilities.

59. If confirmed, will you pursue further expansions in the TSA-Pre Check and CBP Global Entry Programs? Please discuss in detail.

I believe strongly that these programs have provided significant benefits for DHS and for the traveling public and, if confirmed, I would certainly like to see even greater growth and participation in such trusted traveler programs as they help us focus resources more on the unknown. As I understand it, there are currently more than 5.4 million individuals enrolled in the TSA Pre-Check Application Program. Another 6.7M are enrolled in CBP's trusted traveler programs who are also eligible for TSA Pre-check expedited screening at the airports. The TSA pre-check application program alone is growing by about 1.7M new enrollments per year. Global Entry membership in FY17 over FY16 increased by 25 percent. CBP has projected expectations of Global Entry membership growth in FY18 to exceed 25 percent based upon ongoing and pending negotiations to expand bilateral arrangements with new countries. So, I believe further expansion is well underway already. These programs can also serve as instructive models in other future areas where the Department can both increase security while facilitating and expediting lawful travel and commerce.

60. Since 2012, DHS has received nearly two million DACA applications. Applicants are required to provide DHS with sensitive information such as their address, biometric, and employment information. DHS has previously stated it would not share this information with U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement. If confirmed, will you keep this promise to applicants?

As I understand it, currently there are limited circumstances when such information might be shared to include national security or public safety. To my knowledge, there are limited reasons or exceptions to enable that information to be shared for any other enforcement purpose. I also understand this to be consistent with the policy implemented and observed by the previous Administration. If confirmed, I will review whether there is any ambiguity in the current policy such that additional communication to personnel is required. If confirmed, I commit to meeting with Acting Commissioner McAleenan, Acting Director Homan, and Director Cissna to ensure that all DHS policies are clearly understood by personnel at all levels. Written guidance will be issued to reinforce existing policies when necessary.

61. Based upon your tenure in the White House during Hurricane Katrina, and your role in the current administration during preparation and response to the most recent storms and wildfires, what is the most significant lesson learned regarding the Federal response to natural disasters that you believe still needs to be implemented? If confirmed, how will you work to implement it?

Should I be confirmed, I look forward to reviewing the lessons learned report and any after action documentation produced by FEMA as part of their standard process post disaster. In general, I

believe as a nation we still need to instill a culture of preparedness in every American. As called for in Katrina Lessons Learned and more recently embraced by Administrator Long, this culture of preparing for man-made and natural disasters takes time and concerted effort. If confirmed, I will ensure DHS, principally through FEMA, will lead an effort to build upon previous efforts through advocacy, stakeholder engagement and partnerships to ensure we as a nation are better prepared for future disasters.

62. In response to former Secretary Johnson's announcement that state election infrastructure would be designated as critical infrastructure, some state election officials expressed concern about potential federal overreach. If confirmed, how will you work to address those concerns?

If confirmed, I will work to reassure state election officials and better inform them that the DHS role, under current authorities and laws, is NOT to "take over" election equipment or processes. The DHS role is to serve as a resource to the state officials who are responsible for elections, to provide them with threat information about vulnerabilities, to offer tools, training and best practices and financial resources in the form of grants. I will strive to better inform them about how the Department can help them, and I will also do my best to assure them that the relationship is a voluntary one, and that DHS will not seek to mandate as a regulator.

**Senator Thomas R. Carper
Additional Post-Hearing Question for the Record
Submitted to Kirstjen M. Nielsen**

**Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland Security
Wednesday, November 8, 2017**

1. The Washington Post has reported that the President's chief of staff, John Kelly and top homeland security advisor, Tom Bossert, had unsuccessfully pressured Acting Homeland Security Secretary Elaine Duke to reverse a decision she had made to extend the residency permits given to certain Honduran citizens living in the United States under Temporary Protected Status due to conditions in their home country. It is my understanding based on reports that Acting Secretary Duke intends to take additional time to further study the Hondurans' status, and that her decision to do so is within the law and consistent with the statutory authority granted to her as the acting head of DHS.

- a) Do you agree with Acting Secretary Duke's decision?

Given my nomination status, I am not familiar with the specific information Acting Secretary Duke reviewed to arrive at her decision. By law, the decision is within the DHS Secretary's authority and responsibility to make and I have no reason to doubt that she reviewed all appropriate information in accordance with the law in making her decision.

- b) If confirmed, how would you balance the views of the President and his senior staff with your statutory obligations on this matter and others where you might disagree?

I believe it is my duty to always make determinations that are in the best interest of the United States pursuant to the law. As discussed elsewhere, I also believe that it is my duty to give my best advice and counsel to the President and all government officials and to ensure that all decisions of which I am a part are fully informed by facts and made pursuant to the law. Should I be confirmed, I will endeavor to always meet all of the Secretary's obligations to make timely, fact informed and fully considered- including any and all appropriate consultations with stakeholders within the interagency, Congress and the private sector- decisions.

- c) If confirmed, what steps would you take to examine the status of Honduran TPS recipients in the United States, and also that of other TPS recipients from El Salvador and Haiti that you would be required to make decisions on, as well?

Should I be confirmed, in reviewing any TPS related decision, I will consult with the State Department, DHS leadership, and other experts to ensure that I fully understand all legal TPS considerations to include the country conditions.

- d) If confirmed, how will the ability of TPS-designated countries to absorb TPS recipients who become deportable from the United States factor into your decision to extend or end TPS designations for any given country?

Should I be confirmed, I will assess all facts pursuant to the law.

- e) If confirmed, will you commit to ensuring that TPS recipients who have not committed crimes other than immigration or civil violations will not become ICE enforcement priorities once their designation ends?

It is my understanding that it is current DHS policy that enforcement priorities focus on those here illegally who have committed crimes. I do not intend to change that enforcement priority. Should I be confirmed, I will work with Acting Director Homan to ensure that enforcement priorities are clearly articulated.

2. Are you aware of any plans by any senior DHS officials to leave the Department should you be confirmed?

No.

Senator Jon Tester
Post-Hearing Questions for the Record
Submitted to Kirstjen M. Nielsen

Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland
Security
Wednesday, November 8, 2017

Airport Security

1. During your confirmation hearing, you committed to working with me on strengthening airport security, particularly the Law Enforcement Officer Reimbursement Program. As mentioned during the hearing, I understand the program is still at risk of being eliminated despite its utility in keeping our nation safe.

Should you be confirmed, do you commit to immediately informing me and members of the U.S. Senate Committee on Homeland Security and Governmental Affairs and the Appropriations Subcommittee on Homeland Security of any proposed changes to the Law Enforcement Officer Reimbursement Program by either DHS or TSA?

Yes.

REAL ID

2. Do you commit to working with me and the State of Montana to ensure that Montana is allowed the flexibility and time it needs to come into full compliance with REAL ID?

Yes.

Border Security

3. What technological resources do you believe are necessary for adequate patrolling of our northern and southern borders and egresses?

The sheer size and diversity of terrain on the Northern Border, from seaway and Great Lakes, to flat, rolling plains, to high-mountain and dense forest, require a diverse array of technology to increase domain awareness and position patrol assets for effective response. As I understand it, a variety of technological resources are needed to include: On the maritime borders and Great Lakes, the ability to detect small boat traffic and ensure it is lawful and compliant requires a combination of radar, cameras, and electro-optical and infrared sensors; On the plains, fixed and air assets providing surveillance and sensors that can provide detection capability are critical; In the high-mountains, fixed cameras on trails and egress routes assist patrol elements.

In all cases, partnerships and cross-border intelligence sharing is fundamental, and access and mobility with trained Border Patrol Agents, US Coast Guard personnel, and other Federal, state, and local partners, with effective communications capability remain essential elements to interdict any activity that is detected. Should I be confirmed I look forward to discussing in detail with CBP and USCG, as well as other parts of the Department which bring important resources and technology to the table, such as the Joint Requirements Council, I&A, and S&T.

4. What roles do you believe Canada should play in our joint security?

Canada plays a critical partnership role in our joint security, and, if confirmed, I intend to maintain and strengthen our bilateral and multilateral security efforts. DHS maintains a robust and multi-faceted partnership with multiple Cabinet Departments and operational agencies. On one of his first international trips abroad as Secretary, then Secretary Kelly met with multiple Ministers covering partnership areas from immigration and counterterrorism, to infrastructure protection and emergency response.

Operationally, DHS shares intelligence with Canadian partners at the national level and regionally through Integrated Border Enforcement Teams. DHS relies on partnership with Canada to secure travelers headed to the United States through 8 Preclearance locations in Canadian airports.

Canada has also joined DHS and State, as well as Mexico, in supporting security capacity building and economic development in Central America to help address migration flows and criminal activity.

Finally, our partnership with Canada is vital with respect to the security and resilience of our mutual and interconnected critical infrastructure and the provision of essential functions.

5. What do you see as our most significant national security threat from Mexico? From Canada?

The most significant threat on the Southern Border is the potential for exploitation by Transnational Criminal Organizations who attempt to smuggle a variety of threats into the United States. These organizations are smuggling hard narcotics, including deadly synthetic opioids, engage in human trafficking, and can bring individuals to our border from conflict zones and countries at risk for terrorist activity outside the Western Hemisphere.

With regard to our Northern Border, we must be vigilant against movement of potential security and criminal threats, and protecting and securing our critical infrastructure.

Should I be confirmed, I look forward to discussing potential threats in greater detail.

6. What specific measures do you believe DHS should undertake to keep our Northern Border secure?

Based on the findings of the DHS Northern Border Threat Analysis, former Secretary Kelly recognized the need to update the DHS Northern Border Strategy. If confirmed, I look forward to reviewing the threat analysis in detail and the strategy recommendations to ensure that the update is risk and intelligence-based, and designed to integrate DHS capabilities with our Canadian partners in order to investigate, interdict, disrupt, and dismantle terrorist, transnational, and other criminal organizations that may utilize the Northern Border to introduce threats into the United States. The strategy must also ensure we facilitate lawful international travel and trade.

The revised Northern Border Strategy and its associated implementation plan will serve as key management tools and should recognize the unique nature and challenges of the Northern Border. If confirmed, I would look forward to working with the Committee on implementation.

7. Describe your plans to enhance border security along our land ports of entry.

The land border ports of entry along our Northern and Southern border are gateways to the economy and process hundreds of millions of legitimate travelers each year. CBP is charged with screening all foreign visitors, returning American citizens and imported cargo that enters the U.S. at more than 300 land, air and sea ports. To enhance security, DHS must continue to pursue solutions based on technology, partnerships, and effective counter-network investigations and operations.

If confirmed, I will plan to support and pursue balanced investments in innovative technologies and enhanced staffing, while deepening collaboration with interagency, State and local, and international partners. For example, to address the flow of hard narcotics through ports of entry on the Southwest Border, DHS must increase its capacity to examine vehicles with non-intrusive inspection equipment.

Terrorism

8. What anti-terrorism initiatives have your predecessors undertaken that you plan to expand upon? Any that you plan to scale back?

To name a few:

Terrorists continue to look for vulnerabilities in our aviation system, and should I be confirmed, I plan to continue Secretary Kelly and Acting Secretary Duke's work to raise the baseline of aviation security measures to make it harder for terrorists to carry out attacks against civil aviation.

DHS's ability to prevent terrorists from coming into the United States relies on having access to all relevant, available intelligence to inform the visa process, to screen and vet travelers, and to vet anyone applying for an immigration benefit. If confirmed, I intend to continue and intensify these efforts to make sure DHS has access to all relevant, available intelligence to inform our decisions, and to make sure that the right intelligence gets into the hands of field personnel for mission execution.

In general, should I be confirmed, I will review current programs and initiatives to ensure that they both address evolving risk and do so in a cost effective and efficient manner. If confirmed, I plan to use metrics and performance reviews and other internal control and oversight measures to ensure the terrorism prevention programs we support are able to demonstrate results.

9. What will be your highest anti-terror priority should you be confirmed?

In general, the highest anti-terror priority is protecting the Homeland, the American people, and our interests from terrorist attack. One of the greatest threats at this time comes from Homegrown Violent Extremists who are inspired by terrorist groups overseas such as ISIS or al-Qa'ida, and who have been radicalized by a combination of direct contact with other terrorists and through terrorist propaganda found on the Internet. DHS's core mission for counterterrorism is to identify previously unknown terrorists or facilitators, and to prevent known and previously unknown terrorists from entering the United States and from carrying out attacks on our homeland.

10. What resources should DHS invest in to combat the rise of homegrown violent extremism (HVE)?

Addressing the challenge of HVEs through terrorism prevention is one of the most important terrorism problems we face. Secretary Kelly initiated a review of both DHS's strategy and the level and direction of resources to address the challenges from HVEs. This review extended both to the organization and staffing of our personnel and the level of grants funding to promote community-level programs. In June, DHS announced 26 grants totaling \$10 million, focusing on developing community resilience, training and engagement with local partners, support for programs that disrupt the radicalization process, challenging terrorists' narratives, and building the capacity of local partners to sustainably address the problem of radicalization. If confirmed, I intend to evaluate these

and any prospective programs that address HVEs to ensure they are effective and are having the impact we need to help protect the Homeland from the threat of HVEs.

Senator Heidi Heitkamp
Post-Hearing Questions for the Record
Submitted to Kirstjen M. Nielsen

Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland
Security
Wednesday, November 8, 2017

TSA

1. Each year, the Partnerships for Public Service releases a survey of the “Best Places to Work in the Federal Government.” TSA is ranked number 303 of 305.
 - a. What do you think is contributing to TSA’s low ranking?

Employee morale surveys have repeatedly shown that the people of DHS are inspired by and motivated by the mission. At the same time, they raise challenges regarding quality of life within the workplace and interactions with management. I also understand there are requests for additional career planning and professional development and training throughout the Department

As a leader, it is important to clearly articulate objectives, hold people accountable and acknowledge success. If confirmed, I look forward to fully engaging with TSA leadership and the frontline workforce to identify specific issues, address them and to ensure that they have the tools, resources and support they need to execute the mission.

I understand that TSA Administrator Pekoske is making employee morale one of his highest priorities and, if confirmed, I look forward to working with and supporting him in his efforts.

- b. What Policies will you implement to improve morale at TSA and what metrics will you use to measure effectiveness?

During my service as the Department’s Chief of Staff, we initiated a leadership employee listening tour by the DHS Deputy Secretary. This tour reinforced the need for Department leadership to clearly articulate objectives, hold people accountable and acknowledge success. General Kelly also ensured that DHS employees – including those at TSA – were no longer inappropriately abused by the public, media and others for professionally and effectively doing their jobs and enforcing the laws Congress has adopted. I plan to continue this form of leadership. If confirmed, I look forward to fully re-engaging in initiatives to identify what the Department has learned and to develop specific implementation steps

the Department can take on issues identified. I will also work with Administrator Pekoske to both assess the specific steps TSA can be taking to improve morale and measure progress and to develop performance, hiring and retention metrics to help us better understand the effectiveness of planned activities.

2. According to the American Federation of Government Employees, when the Aviation and Transportation Security Act was enacted in 2001, TSA was given extraordinary authority over the labor rights of Transportation Security Officers (TSO). As a result, there are two personnel systems at TSA that are separate and unequal. Unfortunately, TSOs are not provided the same labor rights and standards that other categories of TSA employees enjoy.

- a. What percentage of the TSA workforce is employed in the TSO classification?

DHS has advised me that the percentage is 75.3%. As the nominee, I am not otherwise familiar with the specific percentage.

- b. Why does TSA extend rights to a minority of its employees and limit or deny rights to the majority that work as TSOs?

I am not fully briefed at this time on the complete history or background of policy determinations made about the workforce under the preceding two Administrations and previous Congresses regarding the TSA workforce. I am generally aware that under the Aviation and Transportation Security Act, provisions of Title 5 do not apply to the TSA screeners. I am also aware generally that Congress vested in the TSA Administrator the authority to set the terms and conditions of employment for the screening workforce notwithstanding any other provision of law and to establish levels of compensation and other benefits for those employees. If confirmed, I look forward to working with Administrator Pekoske to better understand these issues and ensure the TSA workforce is best able to fulfill its security mission within the authorities and resources we have been provided.

- c. If confirmed, will you commit to examine the labor rights and standards provided to TSOs and assess whether they should be provided the same rights as standards that are provided to other categories of TSA employees?

If confirmed, I look forward to working with Administrator Pekoske to better understand these issues and ensure the TSA workforce is best able to fulfill its security mission within the authorities and resources we have been provided.

Border Security

3. A few months ago, Senators Tester, McCaskill, and I wrote to CBP Acting Commissioner McAleenan about Border Patrol radio failures. The letter discussed severe shortfalls in secure, reliable communications systems along the Southern and Northern borders that have been brought to our attention by the National Border Patrol Council and individual Border Patrol agents. We have heard reports that the radios many agents use can't talk with state and local law enforcement, and in remote areas of the border, the radios often simply don't work. If confirmed, will you commit to resolving this problem?

If confirmed, I will work with the leadership of CBP to examine this issue and develop a plan to resolve it.

4. As we discussed at your confirmation hearing, it is very important to me to see the new Northern Border Strategy implemented quickly and with DHS 100% committed to supporting following through with the desired outcomes of the strategy. Once again I want to ask you:
- a. If confirmed will you commit to budgeting for sufficient funds to execute the Northern Border Strategy including funds to begin improving facilities, and smart investments in technology to improved domain awareness?

Yes, I will commit to reviewing the strategy and following through with the desired outcome of the strategy and work with the Committee on any additional resources or authorities that might be required.

- b. Will you commit to me that Northern Border Security will be a priority of yours if you are confirmed?

Yes, I will.

5. CBP is experiencing tremendous difficulty with filling vacancies in rural and remote locations along our borders. Recently several Minnesota ports, just across the border from North Dakota, had their operating hours reduced partially due to such staffing challenges.
- a. Will you commit to reviewing CBP's current staffing models and move forward with creating new initiatives that increase recruitment and retention in rural and remote areas?

Yes, I will.

6. How would you improve the acquisition and deployment of border security technology, especially in remote areas along the Northern Border where domain awareness is at a disturbingly low level?

If confirmed, I will be briefed immediately on the forthcoming strategic plans for managing and securing our Northern and Southern borders, including the Northern Border Strategy. That will include assessing CBP's priorities for

acquisition and deployment of technology along the northern border. I believe that technology can be particularly useful in meeting domain awareness needs.

DHS Management

7. What is the role of the DHS Deputy Secretary? How do envision working with Deputy Secretary Duke if confirmed?

The Deputy Secretary assists the Secretary in developing and implementing policy as well as overseeing delivery of the Department's critical missions and operations. The Deputy Secretary is part of the Department's core leadership team, providing general direction and management support consistent with the Secretary's "commander's intent." The individual is trusted and capable of serving as Acting Secretary in the Secretary's absence. The Deputy also participates in federal interagency policy meetings at the "Deputy-level" speaking on behalf of and representing the Secretary and the Department as a whole. I have great respect for Deputy Secretary Duke and expect we will work as a team to support the great men and women of DHS should I be confirmed.

8. What in your view is the difference between the role of DHS Chief of Staff, and the role of DHS Secretary?

The Chief of Staff serves as the principal advisor to the Secretary and Deputy Secretary on all Department risk, policy and operational issues, and manages the Secretary's office. The Chief of Staff works closely with the heads of the seven operational components and eighteen directorates and offices to ensure the Secretary and Deputy Secretary's guidance is conveyed, track progress against the Secretary's priorities, and determine when and how issues requiring the Secretary's awareness or action are raised.

The role of Chief of Staff of a complex organization or entity is also to serve as the coordinator of all of the supporting staff. An effective COS must encourage all feedback and keep communication open across all levels. He or she must engage with staff at all levels of the organization constantly to identify and address underlying issues. The Chief of Staff also works with the Chiefs of Staff throughout the interagency to ensure that missions amongst departments are aligned and to facilitate Principal discussions and to help resolve any conflicting plans, policies, etc.

The role of the Secretary, to name a few roles, includes setting risk-based priorities, clearly articulating mission and corresponding roles and responsibilities, ensuring that the men and women of DHS have the resources, tools and support they need to execute their missions, creating a culture of trust and respect, accountability and acknowledgement, and strategically assessing tomorrow's challenges and threats. The Secretary represents the Department in interagency discussions, advises the President, and works with other Cabinet officials on cross-cutting initiatives to bring a whole of government approach to specific risks when needed.

Ideally, within a large Department context, the Deputy Secretary can focus on operations, modernization and long-range planning, while the Chief of Staff manages the Department serving as the Executive Officer, ensuring that direction and guidance from the Secretary and Deputy Secretary is executed through a variety of avenues, and the Secretary leads the Department, determines homeland security policy, executes statutory duties and serves as the Chief Executive Office of the Department. Obviously, any specific division of roles and responsibilities will account for the unique skill sets and capabilities of the Secretary, Deputy Secretary and Chief of Staff and would be determined in consultation.

- a. If confirmed, how will you establish those boundaries with your Chief of Staff?

Should I be confirmed, I will discuss roles and responsibilities with the Chief of Staff to ensure they are clear, not conflicting and not unnecessarily overlapping. I will ask the Chief of Staff to always give me his or her honest assessment, to ensure that issues that are brought to me or to the Deputy Secretary have received review by the relevant components, that operational context and limitations are considered, that stakeholder outreach has been conducted and that the information I need to make an informed decision has been collected, assessed and provided. I value dissenting opinions and would ask that differing opinions be presented in addition to any consensus view. If confirmed, I would execute my role and responsibilities as Secretary pursuant to the law and as described above.

9. DHS is a department that employs 229,000 people; CBP alone has over 45 thousand law enforcement officers. One of the greatest challenges in an agency of this size is the consistent application of law and policy across components. As Secretary, how will you ensure that consistent guidance and policies will reach and inform the actions of front line officers?

Should I be confirmed, I will work with the component heads to ensure that front line officers have a clear understanding of commander's intent, the application of the law and that of policy. I believe such an understanding begins with clear and consistent communication, the availability of related information and ensuring that employees and officers have opportunities to request any needed clarification, consistent training and performance reviews. I also believe that guidance and policies should be consistently reviewed, updated, rescinded or sunsetted as risk and operational requirements mandate. If confirmed, I will work to ensure that internal controls are in place to ensure a robust policy process from development through to issuance and review.

10. Why do you think issues such as employee morale continue to persist despite a long acknowledgement that they have been problems and what would you do about it as Secretary?

Employee morale surveys have repeatedly shown that the people of DHS are inspired by and motivated by the mission. Should I be confirmed, I will work to ensure the men and women of DHS have clarity of mission, are empowered to perform their duties, have all the necessary tools to do their jobs, are both held accountable and acknowledged for their performance and have opportunities for professional development and career advancement. I see these actions as essential to strong job satisfaction and high employee morale. As I stated in prior answers, I also will engage fully with Department leadership and the frontline workforce to identify specific issues and address them.

Hiring Challenges

11. What steps can OPM and Congress take to help DHS address challenges in recruiting qualified cyber security and information technology professionals to the agency?

It is my understanding that DHS has partnered with a variety of entities to include nonprofits, all levels of educational institutions and school boards across the country to encourage the teaching of cybersecurity concepts. DHS has also partnered with the nonprofit National Integrated Cyber Education Research Center (NICERC) to provide cybersecurity curricula and teacher professional development. I have also applauded DHS efforts in sponsoring the CyberCorps Scholarship for Service which provides scholarships towards cybersecurity degree programs in return for service in Federal, State, local, or tribal governments upon graduation. Should I be confirmed, I would look to strengthen and expand DHS' efforts in collaboration with other federal partners and the Administration's overall STEM efforts to recruit and retain cybersecurity personnel. I would also look to identify opportunities across the existing talented DHS workforce and provide training opportunities to enhance cybersecurity expertise. I believe a clearly articulated mission and adequate tools and resources support strong recruiting, and the ability to grow in one's job and have access to continual training and education support retention. Recognizing the importance of this issue as a cornerstone of DHS cybersecurity efforts, should I be confirmed I would assess current efforts and work with Department leadership to strengthen related campaigns and programs. Finally, if confirmed, I look forward to working with Congress and OPM to ensure we are fully utilizing the unique hiring authorities granted to the Department for cyber security efforts.

12. Do you ever believe it's appropriate to have different hiring standards for federal workers and contractors for the same job?

As we have discussed, I recognize the Department must improve its ability to recruit, hire and retain talented people. It is a top priority. While I am not specifically familiar with the differences, if any, in hiring standards utilized for federal workers and contractors, I know that current law, regulations, and policies exist in this area. If confirmed, I look forward to working with the Under Secretary of Management, the Chief Human Capital Officer and Department leadership as

well as OPM, OMB and Congress to develop creative solutions where needed and to ensure that standards appropriately reflect and lead to successful mission execution.

- a. If so, in what circumstances?

If confirmed, I look forward to working with the Under Secretary of Management, the Chief Human Capital Officer and Department leadership as well as OPM, OMB and Congress to consider appropriate actions to address hiring issues with respect to both federal workers and contractors.

Congressional Oversight

13. DHS answers to over 100 congressional committees and subcommittees. Oversight of DHS components such as FEMA is often split between multiple committees and subcommittees. This is an extensive amount of jurisdiction. How problematic is this for DHS? How would reducing the number of committees responsible for oversight increase the efficiency of DHS?

It is widely acknowledged that a key 9/11 Commission recommendation regarding consolidation of congressional oversight remains unfulfilled. I strongly support efforts in Congress to consolidate Congressional oversight jurisdiction over homeland security. The current number of oversight Committees itself makes it difficult for DHS officials to be fully responsive to Congress while executing their mission. As context and as I understand it from DHS, DHS has participated in 80 hearings and provided 120 witnesses since January 1 of this year which averages to about two per week. DHS has also participated in approximately 2, 018 non-hearing engagements with Congress and Congressional staff (e.g., meetings, calls, briefings, CODELs).

CVE

14. I am very interested in DHS's Countering Violent Extremism program and the Office for Community Partnerships. I place a lot of value on building relationships within the community in order to prevent radicalization and homegrown extremism.
- a. Will you commit to evaluating the CVE program at DHS and reporting back to this committee within 90 days on your initial plans regarding the program, the goals of the program, grants within the program, and how you plan on prioritizing the mission of the program?

Yes, I will.

First Responders

15. On December 19, 2016, President Obama signed into law my legislation called the RESPONSE Act. I wrote that legislation after a very serious train car derailment in North Dakota in 2013. That law requires FEMA's National Advisory Council (NAC) to pull together the private and public sectors to issue recommendations on how to improve first responder training for handling incidents involving the transport of hazardous materials incidents on railroads. The law requires that these recommendations are submitted to the NAC no later than December 16, 2017.
- a. If confirmed, will you commit to ensuring that the NAC fully evaluates and properly implements approved recommendations provided by the RESPONSE Act Subcommittee in a timely fashion, and that you will push to ensure sufficient support for such training is included in the next DHS budget?

Yes, I will work with FEMA and DOT to ensure that such training is offered.

Threat and Hazard Identification Model

16. In conversations my staff has had with the North Dakota Department of Emergency Services, we have heard that there needs to be a single overarching threat and hazard identification model across the nation that states can use to identify risk and make investments. Currently, DHS uses the Threat and Hazard Identification and Risk Assessment (THIRA) and the Federal Management Agency uses the Hazard Identification and Risk Assessment (HIRA).
- a. In general, what are your thoughts on the utility and importance of the THIRA and HIRA assessments?

First, let me reiterate my belief that we must continually assess our risks and that risk assessments and preparedness evaluations should go hand in hand. I also agree that standardized risk assessment methodologies enable us to compare risks across sectors, components, vectors and enterprises to ensure that we are effectively and efficiently addressing risks in a prioritized manner.

We must have tools to establish the baseline capability levels, identify remaining gaps, and work to close those gaps. Both the THIRA and the HIRA are tools meant to get at this problem. We must continually build on and improve these tools. If confirmed, I will work with FEMA leadership to improve our ability to assess risk, measure capabilities and identify gaps.

- b. Do you see opportunities to merge these assessment processes in a way that would provide states more clarity on where they should make investments?

The States are key partners in the homeland security enterprise, and given the myriad threats and limited resources we have today, we must work together to ensure these tools effectively measure preparedness and risk and assist in prioritizing investments.

- c. If confirmed, will you commit to evaluating these assessments and collecting input from emergency services like the NDDDES that are calling for a single threat and hazard identification model across the nation?

Yes

Cyber-Hygiene

17. I appreciate your background and expertise on cybersecurity issues. Cyber threats pose a grave threat to U.S. national security, and we must take a comprehensive approach to keeping our citizens, businesses, government, and critical infrastructure secure. As you know, cyberattacks rely on vulnerabilities to exploit and infiltrate systems and networks. At times, these vulnerabilities are created and compounded when people use bad cyber practices, such as clicking on unverified links, relying on weak internet protocols, or accessing secure systems from unsecure locations. Ensuring that people know how to remain safe online is critical to maintaining a cyber secure environment.
- a. Could you briefly discuss your perspective on the role DHS should play in educating the general public on cyber-hygiene?

The Department has a public education campaign called Stop.Think.Connect. and has developed toolkits and associated outreach for this effort. If confirmed, I will assess the Department's activities in this area and identify areas that can be strengthened. Studies continue to show how great a difference basic cyber hygiene makes in improving our overall security to cyberattacks. I believe DHS, with its interagency partners, plays a vital role in educating the general public. In today's hyperconnected threat environment, your cyber risk becomes my risk and so the importance of and need for a whole of nation approach cannot be overstated. Raising the bar of cybersecurity across the nation begins with awareness and education of the threat posed and basic hygiene measures that every citizen can take to increase our nation's cyber security and resilience.

- b. If confirmed, will you commit to reviewing DHS's efforts to educate the public on cyber-hygiene practices and reporting back to my office within 90 days regarding the effectiveness of these efforts and what additional steps you will take to encourage end-users to adopt cyber-hygiene practices?

Yes, I will.

Information Sharing

18. The sharing of information in homeland security is absolutely critical. Unfortunately, across the federal government, there are still issues with information silos.
- a. In your view, what are the most effective ways to break down silos and foster environment of information sharing?

I view information sharing with and among our federal, state, local, tribal, territorial and private sector partners as a vital part of effectively securing the homeland. I co-drafted and oversaw the federal implementation of all Bush Administration Executive Orders (EOs) and Presidential Memoranda regarding information sharing and the Information Sharing Environment (ISE). In creating and instituting the ISE, we spent time categorizing the types of information we needed to share and the stakeholders who needed to share and receive such information. The basic frameworks, policies and procedures have expanded and been updated over the years, but the underlying goal - to connect the dots - has remained. I believe that information sharing silos are most effectively broken when individuals can articulate clear mission needs and objectives and when leadership is engaged to solve those real problems. Information sharing must also be driven from a clear sense of what information is needed for mission execution. Once people begin to work together, additional opportunities for collaboration and information sharing become clear.

- b. Are there existing efforts in DHS that you have found particularly conducive to promoting an environment where information is shared across agencies and with the private sector?

I am somewhat familiar, from my time as DHS Chief of Staff, with some of the Department's recent initiatives to enhance and improve information sharing, including efforts led by the Office of Community Partnership, Office of Partnership and Engagement, I&A, and NPPD. I have recently had conversations with a number of representatives from state and local law enforcement and first responder organizations, including the fusion center community and their private sector partners, to gain their perspective on how DHS is doing and how it can do better. If confirmed, I look forward to working with such representatives and other federal partners to expand the use of best practices, address gaps in sharing, identify innovative tools and processes to ensure that such sharing is accurate, timely and actionable and in general to continue to strengthen the Department's relationship with federal, state, local and tribal officials and the flow of information in both directions. These officials are on the front line of our nation's homeland security, and we all benefit greatly from improving our information sharing.

- c. If confirmed, what steps will you take to break down information silos?

If confirmed, I will set the tone from the top of the organization on the importance of information sharing across agencies and with our partners in state, local, tribal and territorial government, the private sector, and international partners to protect the homeland. I will hold my staff accountable for ensuring information is shared systematically and appropriately to meet mission needs and ensure that investments support

information sharing capabilities. I will review classification requirements and restrictions, security clearance processes for DHS non-federal partners and work with DHS leadership to identify additional types of information that can and should be shared, within the law, across components and mission spaces. Assessments that identify information types and categories needed for mission execution should be shared across the Department to identify potential additional existing sources that can be cross leveraged within the law.

Senator Gary Peters
Post-Hearing Questions for the Record
Submitted to Kirstjen M. Nielsen

Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland Security
Wednesday, November 8, 2017

Questions for Ms. Kirstjen M. Nielsen, Nominated to be Secretary, Department of Homeland Security

1. Cybersecurity: The U.S. faces an ever-growing threat from increasingly sophisticated cyberattacks and we must remain vigilant to safeguard our national security. In a recent report, the President's National Infrastructure Advisory Council (NIAC) concluded, "there is a narrow and fleeting window of opportunity before a watershed, 9/11-level cyberattack to organize effectively and take bold action." The challenges identified are well-known and reflected in study after study.

- a. Could you tell me how your previous experience has prepared you to address our nation's cybersecurity needs?

My experiences within government and supporting governments (federal, international, State and local); within the private sector; supporting owners and operators of critical infrastructure; supporting cybersecurity firms; serving as a subject matter expert in various studies, assessments and forums; and collaborating with international partners, NGOs and nonprofits have given me a unique view into the evolving threat environment; system, asset and data vulnerabilities; potential consequences within systems and entities and cascading between and amongst sectors, regions and essential functions; pace of technology innovation and its use as both a weapon and as a protection force multiplier; the implications for risk and how we address it from issues such as the hyperconnectivity of our environment, the patchwork of laws and legal frameworks amongst states and nations, and the speed, ease and low cost of attacks.

I have experience as a government employee and in supporting governments in a full range of cybersecurity related activities including identifying and assessing cyber risk; assessing our posture and capability; developing and coordinating policy; determining roles and responsibilities; identifying needed authorities; developing strategies, plans and operational plans; developing situational awareness policy, processes, sources and initiatives; designing information sharing frameworks; creating public-private partnerships to share information and take collective action; designing cyber exercise programs, developing scenarios and moderating and executing exercises; supporting the development of DHS cybersecurity tools and programs; identifying cyber related research and development needs for critical infrastructure security and resilience; conducting stakeholder outreach; and raising cybersecurity awareness.

I have also supported private sector companies and NGOs seeking to increase their security and resilience to cyberattack. My experiences, capabilities and knowledge stem from a wide range of cybersecurity activities including providing support in crisis communications; exercises design and execution; reviewing and revising operational concepts of operations; aligning with the NIST cybersecurity framework providing education and awareness support to Boards of Directors; assessing ways in which to

share sensitive information with the government; assessing mechanisms for partnering with governments and other private sector companies; assessing operational implications of various cybersecurity policies; designing bring your own device policies; and creating performance metrics for cybersecurity programs.

Finally, I have also served as a subject matter expert, convening various platforms and groups of stakeholders from various sectors, levels of government and regions of the world to identify and determine how to assess systemic cyber risks, to identify measures we as a community can take to increase security and resilience, to assess consequence quantification methodologies, to align legal frameworks, and to assess the benefits and limitations of cyber insurance.

In sum, my experiences have provided me with perspectives, insights and operational understanding from all sectors and parts of our cybersecurity community.

b. What priority will cybersecurity have under your leadership at DHS?

If confirmed, I will ensure that cybersecurity is prioritized in line with the risk it poses to the Nation. Report after report highlights the efforts nation-state actors, cyber criminal gangs, politically motivated groups, and others, are taking to target the U.S. The Department has a unique role in leading the Federal network protection efforts of the government's civilian, non-national security system, as well as the lead coordinator for working with the critical infrastructure community and the private sector. I will ensure that the Department's cybersecurity leadership team has the necessary resources and support they need to be effective. To that end, for instance, I will work to accelerate Federal network protection efforts to instill a more effective governance model across Federal civilian systems, ensure network defenders have actionable and timely information to make risk-informed decisions, drive towards automation of basic network defense actions, and offer more scalable service offerings, including "SOC as a service" to consolidate security investments across the Federal government. Similarly, I will prioritize NPPD efforts to work with private and state and local network defenders, sharing actionable threat information, automating response efforts, and addressing systemic risk across our key services and functions. Among those efforts, I will prioritize the protection of election systems nationwide, working with the EAC, NIST, vendors, and others to ensure state and locals have the tools necessary to ensure the security of the ballot box.

c. What do you see as DHS' role in supporting state and local governments that lack the resources to adequately respond to cyber-attacks?

DHS plays a role in providing tools, resources, threat information and support to state and local governments. DHS also plays a role in articulating roles and responsibilities and clarifying who will do what when. Towards that end, the National Cyber Incident Response Plan, released earlier this year, describes a national approach to cyber incidents, addresses the important roles that the private sector, state and local governments, and multiple federal agencies play in responding to incidents and how the

actions all fit together for an integrated response. The NCIRP also serves as the Cyber Annex to the Federal Interagency Operational Plan (FIOP) that built upon the National Planning Frameworks and National Preparedness System developed pursuant to PPD-8. DHS is also deploying personnel throughout the country to assist state and local governments in developing incident response and recovery plans. DHS is providing technical assistance via remote or onsite engagements to identify vulnerabilities and provide mitigation plans. These initiatives assist state and local governments to prioritize the development of their capabilities to respond to cyberattacks. If a state or locality requests it, DHS can also provide onsite incident response teams to assist an entity in driving the adversary out of their networks and restoring their systems quickly. DHS is working with the National Governors Association to develop additional plans to supplement state and local response should their capacity be overwhelmed in a significant cyber incident.

Should I be confirmed, I also intend to draw on my experience in incident management to improve cyber incident response and support to State and Local governments. Accordingly, I'll prioritize current efforts to study scalable workforce options and flexible funding models, such as those employed by FEMA responders. FEMA's Surge Capacity Force (SCF) ensures that sufficient responders are available to support response operations. A cybersecurity incident response surge force would likely include cross-training existing DHS employees, employees from other Departments and agencies, as well as innovative uses of existing contract vehicles with private sector companies to include surge contract lines. In addition, FEMA's ability to draw on the Disaster Relief Fund to direct, coordinate, manage, and fund eligible response and recovery efforts under the Stafford Act may serve as a model for a future cybersecurity emergency assistance framework to State and Local governments. Similarly, existing FEMA grant programs will be reevaluated to ensure preparedness grant expenditures are in line with the findings of the National Preparedness Report, which has year after year highlighted the low level of cybersecurity preparedness across the nation.

- d. With your background in infrastructure protection, how will you seek to improve DHS' engagement with the private sector entities that own and operate much of the country's most critical infrastructure?

We must continue to assess information – whether it be vulnerability, consequence or threat information - and provide it in a timely, tailored and accessible way so that private sector entities can act on it and manage their risk accordingly. To do this and provide the necessary context, we must seek to further our understanding of how critical services and functions are connected and dependent on cyber infrastructure. This is increasingly requiring not just a sophisticated understanding of how an individual industry is connected (such as the financial services sector) but necessitates an understanding of cross sector dependencies and interdependencies. If confirmed, my goal is to ensure the Department and critical infrastructure owners and operators have a shared understanding of these dependencies and the risk that results from them.

I will also seek to advance our work to improve our ability to provide both rapid tailored information that is most useful to network defenders as well as information that would assist critical infrastructure executives in their risk management decisions. In addition, my experience in the private sector underscored the need for DHS to more clearly articulate both the interconnected risk we face today as well as the value proposition for industry engagement with the government. In some cases, industry does not clearly understand the Department's role or its capabilities, and due to the voluntary nature of DHS engagements, absent any requirement to work with DHS, entities either chose not to work with DHS or did not know how to. I believe that DHS can overcome this challenge by developing a more comprehensive stakeholder engagement strategy and related campaign, including improved branding, marketing, and an understanding of industry requirements, incentives and common outcomes.

c. What more can be done to reinforce the cybersecurity posture of those networks?

DHS must do more to work alongside our partners, including improving the quantity and quality of touchpoints we have with industry. In many cases, the nation's critical infrastructure operators engage via Sector Coordinating Councils and Information Sharing and Analysis Centers (ISACs) or Organizations (ISAOs). Some partners have seats in or have access to the National Cybersecurity and Communications Integration Center. I believe further integration with industry is key. We should review options such as sending DHS personnel into the field to embed in industry for short term assignments. Similarly, we should consider prioritizing industry technical personnel sitting in the NCCIC on short term analyst exchange assignments. These exchanges build trust and understanding of industry requirements and operational realities, as well as build capacity and proficiency of the respective workforces. This will help refine DHS's solution development and its ability to tailor solutions to specific sectors, systems, assets and information types, as well as inform industry's understanding of what capabilities DHS can bring to bear once the requirement is defined.

In addition, I believe that critical infrastructure owners and operators should continue to embrace the NIST cybersecurity framework. Many have done so but we have more work to do, particularly in security control systems. DHS is expanding its ability to provide assessments and recommendations to assist this community with the implementation of the Framework – this includes both highly technical assessments, as well as strategic reviews. More broadly, DHS, in partnership with NIST, plays a leadership role in engaging the control systems community to ensure that the gaps are bridged between security and safety and that the Framework readily applies to the operational and information technology environments.

f. How will you work to improve DHS' information sharing processes to ensure the appropriate private sector individuals receive actionable cyber threat information?

Processes must support rapid, accurate, tailored and actionable threat information. DHS's information sharing programs are focused on two major areas: (1) sharing known threat indicators with as wide an audience as possible (via Automated

Indicator Sharing, alerts, reports, and bulletins), and (2) enhancing our ability to provide tailored information based on an improved understanding of systemic risks, single points of failure within an industry, and the government's unique position to provide context to technical information. We must continue to improve the quality of the threat information we share, including by implementing a reputational scoring process that provides additional information on indicators. We also need to improve feedback processes around indicator sharing – not just from DHS, but from our information sharing partners. If a piece of threat information was useful, or not useful, that information can help inform further dissemination of indicators.

- g. Describe how DHS' cybersecurity mission could support a broader, whole of government cyber deterrence strategy.

Within the framework of Presidential Policy Directive 41 and the National Cyber Incident Response Plan, DHS is an active contributor both to the deterrence by denial and deterrence by cost imposition aspects of the nation's current approach to cybersecurity deterrence. The U.S. Secret Service and ICE Homeland Security Investigations, through their law enforcement authorities, seek to investigate, arrest, and support the prosecution of cyber actors domestically and abroad. Working alongside other law enforcement partners such as the FBI and the private sector, these efforts create a climate hostile to cyber criminals.

On the deterrence by denial side, DHS focuses on network protection and incident response efforts that aim to minimize the attack surface and dramatically reduce vulnerable systems, manage consequences of an incident, and generally create a safe, secure, and more resilient cybersecurity ecosystem. NPPD is the hub for these efforts, coordinating defense actions such as providing network defenders actionable threat and risk management information, conducting hunt and incident response actions, training and exercises, directing cross-government operational planning efforts, and developing scalable solutions and tools that enable more effective network defense activities. DHS has unique statutory authorities under FISMA 2014, including the Binding Operational Directive authority, that allow DHS to direct agencies to take certain information security risk management activities. This directive authority has been proven to be incredibly effective in managing risk and reducing vulnerabilities. Combined with the Federal Enterprise wide understanding of risk posture provided by the Continuous Diagnostics and Mitigation (CDM) dashboard, DHS is in a position to help other agencies manage risk and improve their security posture.

2. Bioterrorism: A bioterrorist attack could have a devastating impact in a major city, both in terms of human life and our sense of safety and security. However, reports such as the Blue Ribbon study panel's report on biodefense have indicated that our national defense against bioterrorism is lacking in both detection capability and response. In the 2016 Worldwide Threat Assessment, the CRISPR gene editing tool was identified as a key enabling technology that could be used by terrorists to more easily create a biological weapon.

- a. What do you see as DHS' role in research and development, including against bioterrorism and nuclear terrorism?

DHS plays a critical role in protecting the homeland against biological and nuclear terror threats. On the biodefense side, DHS conducts an array of research and development (R&D) activities internally, including sensitive R&D regarding biological threats that could be weaponized for use against the U.S. population. By better understanding the danger, DHS R&D activities allow us to calibrate our defenses to protect against the nefarious intentions of state and non-state actors. DHS also leverages partnerships with the Department of Defense and other agencies for access to basic research, ongoing pilots, and the testing of late stage R&D efforts. The Department is currently focused on developing more effective early warning mechanisms to detect the release of biological threats—including through new technology, enhanced systems, and first-responder awareness.

On the nuclear defense side, DHS is responsible for a wide range of radiological and nuclear R&D through the Domestic Nuclear Detection Office. The Department's research plays an important role in helping to improve detection of radiological and nuclear threats and to conduct attribution after incidents. DHS also leverages R&D conducted by the National Nuclear Security Administration and in the Department of Energy National Laboratories primarily for the nuclear mission. If confirmed I will work with DHS leadership to reinforce that DHS R&D supports frontline operators in ensuring they have effective tools to detect and interdict radiological and nuclear threats entering or transiting our territory.

- b. How would you prioritize the R&D efforts of DHS?

The Administration is currently developing a National Biodefense Strategy and I look forward to reviewing should I be confirmed. If confirmed, I will also ensure DHS R&D efforts to counter biological threats prioritize the rapid deployment of technologies that improve situational awareness, detection, and response. This includes collaborating with interagency partners that are also working on early warning sensors to ensure that we avoid waste, overlap, and duplication. I will also make it a priority for DHS to continue to aggressively assess the biothreat landscape so that advances in technology are not used to endanger our homeland and our people.

- c. What capabilities or resources does the DHS need to develop to be prepared for a bioterrorist attack?

As noted, the Administration is currently developing a National Biodefense Strategy that will help guide the Department's decision making regarding capabilities and resources needed for biodefense. If confirmed, I will ensure DHS examines deficiencies in our previous biodefense architecture and how we can close security gaps—such as reducing delays in threat notification—to better safeguard our homeland. We must be able to detect threats more quickly after they are released, adjudicate them with trained personnel, and ensure the appropriate response organization has the right information to rapidly mitigate the danger. I will also

examine the Department's existing resources, authorities, and capabilities in this space to ensure they adequately align with the pending strategy and the seriousness of the threat.

3. Space Weather: In order to protect critical infrastructure, like the power grid, from the threat of space weather, we are dependent on observations and predictions from various science agencies, like NASA and NOAA.

- a. **To fulfill your mission, how important is it that we improve our ability to forecast space weather?**

A vital component of risk management is understanding the threat. Just as information related to terrestrial weather events, earthquakes or terrorist attacks is important to help DHS manage risk, improving our ability to forecast and understand the threat space weather can pose will support DHS situational awareness and risk management.

- b. **What types of preparations will you emphasize to prepare the nation for space weather events, both for government and the private sector?**

Space weather events can have high potential consequences and more work needs to be done to understand and address the threat to critical infrastructure. As I understand it, the Department of Defense, NASA, and NOAA are partners in understanding the risk, ensuring resiliency and developing response and recovery planning. Partnership remains the cornerstone of addressing such threats as much of our nation's critical infrastructure is owned and operated by the private sector. We must better understand the panoply of attack vectors and attack types against our critical infrastructure- both through modeling and information sharing. If confirmed, I will continue DHS' work with its interagency partner to better understand the risk space weather poses to critical infrastructure and to identify measures to increase our security and resilience to such threats.

4. Muslim Registry:

- a. **Will you commit to ensuring that religion does not become a basis for U.S. counterterrorism or law enforcement policy particularly as it relates to the targeting of individuals with ancestry from Muslim-majority countries?**

Yes.

5. Travel Ban: As you know, Saudi Arabia is not on any version of the executive orders despite the fact that 15 of the 19 September 11th terrorists were from that country. In contrast, no terrorist attack has been committed by individuals from the countries banned by the President's executive orders.

- a. **Please explain how executive orders banning entry by people from six Muslim-majority countries and suspending the refugee program for 11 countries deemed "high risk" increase public safety.**

I would note that DHS has a responsibility to anticipate and prepare for the next terrorist attack – not the last one. DHS prioritizes allocation of resources – to include screening and vetting – based on where the intelligence indicates the risk is coming from. While we must learn from past events which in turn influence risk allocation, we must focus on what is happening currently and could happen in the future.

Given pending litigation, for relevant details, I would refer to the President's public proclamation on September 24, 2017. As that proclamation states, the travel restrictions announced by the President were not determined in any way based on race, religion, or creed. The restrictions were based on a comprehensive interagency review and extensive engagement with foreign partners around the world. The Department of Homeland Security (DHS), in coordination with interagency partners and the intelligence community, established a new information-sharing baseline to ensure that the United States could appropriately vet nationals of foreign countries in order to identify terrorists, criminals, and other threats to public safety.

6. Northern Triangle: People from Central America are presenting themselves at the U.S. southern border, often fleeing violence. I had the opportunity to spend time in the Northern Triangle a trip I found very informative.
- a. **Based on your experience, what would be your first steps to address the influx of unaccompanied minors fleeing the Northern Triangle?**

The causes of the influx, so called "push and pull factors" and the solutions are both simple and complex. While I was Chief of Staff to Secretary Kelly we spent considerable time discussing this issue, and I benefited greatly from his knowledge of and commitment to the region and from meetings we held with Central American leaders. I concur with his assessment given to this Committee that the continued "push" drivers for illegal migration from Central America are the crime and instability in those countries that are largely a consequence of drug demand in the United States and the resulting destabilization from drug trafficking organizations using these countries as transit zones. The "pull" factors continue to be economic opportunities in the United States that are substantially better than those available at home to most citizens of these countries and also a continued, but decreasing, perception that if a person can successfully get to the U.S. border they will either not be caught or be allowed to stay. In terms of the solutions available to us, I believe we can and should continue to seek greater cooperation with willing partners in these countries and devote greater energy and resources to help them combat DTO's and criminal gangs as well as assist them to provide economic opportunities for their citizens at home so they will not be "pushed" to make a dangerous journey in the first place. We also can continue to improve all aspects of our immigration enforcement process from border security, to certainty of deportation and return, to employment verification in order to reduce the "pull" for illegal immigrants from Central America and elsewhere and to act as a powerful deterrent to the choice of illegal rather than legal means of migration. Finally, if confirmed, I will work with my Cabinet colleagues on a comprehensive drug demand reduction strategy and to further combat transnational criminal networks.

- b. **What do you see as the future of the Alliance for Prosperity? Do you think that the Northern Triangle countries (Honduras, El Salvador, and Guatemala) are fully committed to their obligations under the agreement?**

During my time at DHS, I found our Northern Triangle partners to be engaged and willing partners. This was highlighted during the Conference on Prosperity and Security held in June. I understood the Northern Triangle Countries to be mobilizing their domestic resources to implement the Alliance for Prosperity. Likewise, I believe the U.S. needs to continue to support Central America through foreign assistance. It is my understanding that the FY18 budget request includes an additional \$460M to advance the goals of the Alliance for Prosperity. Should I be confirmed, I look forward to receiving an update on the status of these efforts, and I will collaborate closely with the Department of State in engaging our Central American partners to achieve their obligations under the agreement.

- c. How will you ensure that people seeking asylum in the U.S. receive fair hearings regarding their fears for their safety should they return to their home countries?

Should I be confirmed, I will work with DHS component leadership at CBP and ICE to review our directives and training to field personnel to ensure they are abiding by all legal obligations such that those claiming credible fear are provided the appropriate due process to which asylum seekers are entitled.

7. Trade:

- a. Will enforcement of our trade laws be a priority for you, and what other measures do you have in mind to help protect our domestic industries from unfair trade practices at the border?

The Department's responsibilities in the area of trade law enforcement are very important and will be a priority for me. The President has made clear that ensuring American competitiveness against unfair foreign trade practices is a priority for all federal agencies with trade responsibilities in their portfolio. U.S. Customs & Border Protection has been active in implementing recent legislation, the Enforce and Protect Act (EAPA), which provides additional tools and authorization for stopping the evasion of anti-dumping duties. I understand that in fiscal year 2017, CBP collected over \$1.5 billion in anti-dumping and countervailing duties deposits and levied penalties of over \$253.6 million for importers committing fraud and negligence. DHS works closely with the Department of Commerce, Department of Labor, the Patent and Trademark Office and Department of Justice on various initiatives and litigation to enforce trade laws including those related to products of forced labor and the theft of intellectual property. We also rely on cooperation with the private sector through representatives of affected U.S. industries. If confirmed, I will look to build upon the work being done and enhance our partnership with interagency, private sector, and international partners to bring renewed energy and ideas for doing even more to foster and protect Americans from unfair trade practices.

8. Civil Rights:

- a. Do you support laws and policies that allow police and other authorities to demand proof of citizenship or immigration status based on their perception that an individual might be undocumented?

As I understand it, the Supreme Court recently affirmed, federal immigration authorities can only be exercised by federal personnel, or personnel specifically trained by DHS under ICE's 287(g) program. The Department supports the 287(g) program, through which particular state and local law enforcement personnel are deputized with limited federal immigration authorities under the supervision of ICE, and following extensive training that includes appropriate safeguards on racial or ethnic profiling.

While recognizing that state and local law enforcement agencies operate under their own authorities, DHS strongly opposes unlawful profiling by any of our law enforcement partners.

The Department's own personnel, including officers deputized under the 287(g) program, follow the 2013 DHS policy statement and the 2014 Department of Justice Guidelines. As explained in a public fact sheet DHS released concurrently with the DOJ Guidelines, existing DHS policy prohibits all racial profiling at all times, by any employee of DHS. It also makes clear that DHS personnel may only use race or ethnicity as a factor "when a compelling governmental interest is present, and only in a way narrowly tailored to meet that compelling interest." Although I defer to DOJ with respect to its guidance, I would note that the guidance expanded both the covered activities and scope of personnel and agencies that are covered at DHS. The DOJ policy applies stringent and expanded anti-profiling requirements to many DHS activities previously not addressed.

Finally, I would note that the DHS' Office for Civil Rights and Civil Liberties has been involved in the selection process for new 287(g) jurisdictions. Their role is to ensure that a new jurisdiction does not have a record of racial profiling or show other red flags that may cause DHS to reject the application. Additionally, CRCL has been involved in training for local law enforcement on the issue of what constitutes reasonable suspicion and racial profiling.

If confirmed, I will work to ensure that the Department's enforcement of the immigration laws continues to be within the bounds of our legal authorities and consistent with proscribed Constitutional protections and standards regarding due process.

- b. If so, what would constitute reasonable suspicion, and how would this differ from racial profiling?

If confirmed, I will work to ensure that the Department's enforcement of the immigration laws continues to be within the bounds of our legal authorities and consistent with proscribed Constitutional protections and standards regarding due process.

9. Enforcement Priorities: Congress allocates a set amount of money to DHS to enforce immigration laws, and DHS currently prioritizes its limited resources based on priorities.

a. What is your approach to prioritization?

As I stated during my confirmation hearing, I intend to continue DHS' policy of prioritizing enforcement for those with a history of having committed violent and serious crimes and those who otherwise post a risk to national security or public safety.

10. H-2B Visas: The employment visa program known as H-2B that provides a safety net for small and seasonal businesses to supplement their year round workforce when necessary. This visa program is very important to the tourism industry in my state as well as to the state fair and carnival industry among others. As you know, the program is capped at 66,000 visas.

a. What are your plans for this visa program – specifically, do you have plans for the treatment of returning workers?

The H-2B program allows U.S. employers who meet specific regulatory requirements to bring foreign nationals to the U.S. to fill temporary non-agricultural jobs. I am aware that in past years, Congress has provided for H-2B returning workers to apply for visas notwithstanding the statutory cap. DHS does not have the unilateral authority to provide visas in excess of the 66,000 cap established by Congress. Under the law, the number of workers who may be granted H-2B classification in a fiscal year (the H-2B “cap”) is limited to 66,000, and the cap is allocated semiannually, allowing for up to 33,000 H-2B workers in the first half of the fiscal year, and for the remaining H-2B visas to be allocated to workers during the second half of the fiscal year. I understand some late-season industries (e.g., salmon workers in Alaska and seasonal workers on the coast of Maine) argue that the dates of the two cap openings (i.e., October 1 and April 1) prevent them from obtaining H-2B workers. In order to obtain one or more visa numbers during either half of the fiscal year, an employer must have a start date of work on or after October 1st, or on or after April 1st.

I understand that under DHS regulations, USCIS will not accept an H-2B petition unless it is filed with an approved temporary labor certification (TLC). DOL regulations, in turn, provide that an employer cannot apply for a TLC with the DOL until 90 days before the start date of work to ensure that no U.S. workers are able and available to perform the proffered temporary jobs.

If confirmed, I look forward to learning more about utilization of this visa category and current sticking points or areas of concern. I look forward to working with USCIS, Congress and stakeholders from employers utilizing this visa category to understand better how we may seek additional improvement, efficiency and transparency in how the program parameters and administration are working to fill key jobs with labor shortages while protecting Americans seeking work and preventing fraud and abuse.

11. Private Prisons/Detention Centers: The last administration had instructed the Department of Justice to phase out the use of private prisons in the federal court system because they were deemed less safe and a poor substitute for government-run facilities. The DHS announced a re-

evaluation of its own use of private prisons to hold undocumented immigrants. Since then the new administration has announced plans to expand private, for-profit detention centers in many states including Michigan.

- a. **Do you intend to oversee new construction of for profit detention centers?**

I understand that ICE utilizes detention facilities managed by contractors, including through Intergovernmental Service Agreements with state and local governments. The facilities are required to meet ICE requirements and are subject to inspection from the Inspector General in addition to other oversight mechanisms. I do not know whether ICE deems its current detention capacity sufficient to meet its operational needs consistent with ICE's authorities and available resources. As such, at this time, I cannot answer whether new facilities, either contract or government-run, are necessary.

- b. **Do you see a conflict of interest between for-profit detention centers and American tax payers?**

I do not understand the premise of this question. Consistent with legal authorities and available resources, departments and agencies must assess how best to meet their mission needs and deliver for the American people in a cost effective manner. Should I be confirmed, I will strive to do just that.

12. Federal Disaster Response and Communications: On September 25th, just five days after Hurricane Maria made landfall, the President tweeted: "TX and FL are doing great but PR, which was already suffering from broken infrastructure and massive debt is in deep trouble..." This was just one of a number of tweets that maligned the people and government of Puerto Rico and seemed to imply the devastation that occurred was not worthy of assistance. We now know that Texas suffered significant flooding that was due, in part, to rapid growth and inadequate drainage infrastructure but no one is suggesting their damage is not worth billions in federal funding, and rightfully so. Federal assistance is based on a number of factors but I don't believe we can penalize disaster survivors for things largely outside their control. The President's communication could be interpreted as signaling policy change or at the very least, influencing how the public interprets FEMA policy and certainly impacts how FEMA coordinates with State, local, and tribal officials across this country.

- a. **Have you been directed to review or do you know of any effort to change how the federal government assesses whether a disaster declaration is warranted to include a determination of whether local decision-making has increased risk?**

To my knowledge, there has been no change in the process by which the federal government assesses the impact of an event, or if a presidential disaster declaration is warranted.

- b. **If you are confirmed, would you commit to reviewing how communications from around the Federal government, including from the President's various methods of communications, impact FEMA's ability to accurately communicate the facts to those impacted by disasters?**

Providing the public timely and accurate lifesaving information during major incidents remains FEMA's highest priority. The Emergency Support Function (ESF) #15 Standard Operating Procedures is FEMA's primary guiding document to coordinate outreach and ensure consistent public information through an integrated Federal incident communications system. If confirmed, I will work with Administrator Long to ensure that FEMA is able to accurately communicate needed facts and guidance to those impacted by disasters.

- c. **If the President used inaccurate or unhelpful language in future disaster situations, how would you address this and limit the impact on both the FEMA workforce in the field and disaster survivors?**

If confirmed, as Secretary it would be my responsibility to communicate clearly with the White House if I believed that actions or communications from the White House were impeding the ability of FEMA to effectively respond during a disaster.

13. Congressional Oversight of FEMA: As you know, this Committee has already begun examining the federal government's ongoing response and recovery from Hurricanes Harvey, Irma, and Maria. Based on your experience in the post-Katrina interagency lesson's learned process, I assume you recognize and appreciate the work that must be undertaken after large events to identify challenges and opportunities for improvement.

- a. Will you commit to empowering FEMA to share their expertise with this Committee as we seek to first do no harm and ensure they are not unduly limited by DHS?

Yes.

14. National Preparedness: In your questionnaire, you indicated interest in reviewing the metrics and reporting tools used for the suite of preparedness grants administered by FEMA.

- a. What are your initial thoughts on the programs as they are currently structured and do you envision a holistic shift away from the National Preparedness Report/THIRA/BSIR model of assessment?

I believe that we owe it to those affected directly by disasters and all taxpayers to ensure that we understand the risk management value of various preparedness grants. FEMA's preparedness grants are structured to meet the statutory requirements; for example, the Homeland Security Grant Program is designed to support state, local and tribal efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. Similarly, the National Preparedness Report satisfies a number of requirements in the Post-Katrina Emergency Management Reform Act (PKEMRA).

The THIRA is a risk assessment process that helps the whole community—including individuals, businesses, faith-based organizations, nonprofit groups, schools and academia and all levels of government—understand its risks and estimate capability requirements.

The Biennial Strategy Implementation Report (BSIR) is a legacy tool that will be replaced

when FEMA completes its Grants Management Modernization (GMM) effort, in the next few years.

If confirmed, I will work with Administrator Long to review the effectiveness and efficiency of all DHS grant programs and ensure adequate metrics and reporting structures in place

15. The National Preparedness Goal (NPG) was mandated by HSPD-8 which, as you indicated in your questionnaire, you oversaw the development of while at the Homeland Security Council.

- a. **What is your impression of how the Goal has been implemented thus far and is it a relevant tool for the federal government?**

The National Preparedness Goal is “A secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.” It includes 32 core capabilities—distinct, critical elements necessary for success—organized in five mission areas and was refreshed in October 2015. The Goal continues to evolve as do the type and definition of the core capabilities. The Goal is developed through a variety of outreach mechanisms to ensure that the perspectives and experiences of stakeholders inform the next iteration.

- b. **Do you believe the current National Planning Frameworks are meeting their stated objective of guiding how the whole community achieves the National Preparedness Goal?**

The National Frameworks—one for each of the five mission areas, namely prevention, protection, mitigation, response, and recovery—address the roles and responsibilities across the whole community to deliver the core capabilities necessary to achieve the National Preparedness Goal of a secure and resilient nation. The Frameworks were updated in June of 2016, and each guides activities in the mission areas. In conjunction with other National Preparedness System documents such as the Federal Interagency Operational Plans, the frameworks provide guidance on roles and responsibilities and need capabilities- with targets- to support community achievement of the National Preparedness Goal.

**Senator Maggie Hassan
Post-Hearing Questions for the Record
Submitted to Kirstjen M. Nielsen**

**Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland
Security
Wednesday, November 8, 2017**

1. You said at the hearing that the reason that you eliminated the Countering Violent Extremism grants was that it was meant to only serve as a temporary grant program that would allow the Department to assess the viability and effectiveness of the grant program. However, you did not address why the staffing levels of the office had been so drastically cut. You specifically suggested that best practices would need to be gleaned from the grants process, but when the office personnel is cut and half and its support staff have been eliminated, it is pretty hard to measure effectiveness. This office was located in the Office of the Secretary and Executive Management, which was directly under your purview. When combined with the abrupt resignation of the Director and the elimination of the grants as a whole, this certainly paints a picture the office was not given the chance to achieve its goals.

- a. Why was the Office's staff and its support elements so dramatically reduced during your time?

To be clear, we did not eliminate any grant programs. The CVE Grant Program was not renewed by Congress in 2017 and did not receive additional funds in the President's 2018 budget, as the current grants had not yet been disbursed long enough to yield clear results. This reflects the majority of recent changes in funding for DHS CVE efforts. I do not believe, however, it is accurate to state that OCP permanent staff has been cut in half. While certain contracted field staff have been eliminated, most of the core permanent staff remains in place and is very focused on terrorism prevention. If confirmed, I will examine ways to strengthen and enhance DHS activities in this mission space to ensure our efforts are risk-based, intelligence-driven and effective.

- b. If confirmed, will you commit to reporting to the Committee--within 120 days of being sworn in as Secretary--
- Your strategic objectives for this office;
 - The metrics you will use to evaluate the performance of this office;
 - The optimal level of staffing of the office;
 - An assessment of whether the Department will continue with the CVE grant program; and
 - Any additional authorities, authorizations, or legislative changes needed in order to achieve the strategic objectives laid out for the office.

Yes, I will.

2. During the hearing, you and I discussed election security and there was a discrepancy between us about the current state of DHS's official outreach to states in regard to the security of voting systems and the ability to defend against malicious hacking efforts. Could you please provide the committee with the following:
 - a. A full list of the steps taken so far to conduct outreach to states to improve the cyber defense of their voting systems.

As the nominee, I do not have access to the full list of steps taken so far to conduct outreach to states to improve the cyber defense of their voting systems. Should I be confirmed, I will provide you with the requested information. DHS through the Sector Coordinating Council and Government Coordinating Council continues to engage with State and local governments and election officials to ensure they are made aware of the various tools, support and guidance DHS has to offer.

From what I am aware of because of my prior time at DHS or because of public accounts of actions taken I can additionally provide the following summary information at this time.

In 2016, the Department of Homeland Security (DHS) took unprecedented action to alert chief state election officials of relevant cybersecurity threats. DHS issued several public statements between August and Election Day to share information regarding the threat and urged election officials to seek cybersecurity assistance from either DHS or other experts. DHS and the Office of the Director of National Intelligence declassified attribution and alerted the public to malicious activity directed towards our elections on October 7, 2016. Several days later, DHS's National Cybersecurity and Communications Integration Center (NCCIC) and the Federal Bureau of Investigation (FBI) published and shared with election officials a joint analysis report containing recommendations and over 650 technical indicators of compromise to assist election officials with detecting malicious activity on their networks. Some of these indicators had previously been classified and were pulled from analysis of previous incidents relevant to the threat. Between August and Election Day, DHS and other interagency partners shared several other products, including best practices specific to election infrastructure, intelligence assessments, risk assessments, and technical information to assist election officials with network protection. Further information relevant to officials was declassified in the January 2017 intelligence community assessment, "Assessing Russian Activities and Intentions in Recent U.S. Elections."

In 2016, through intelligence and information sharing efforts with trusted third parties like the Multi-State Information Sharing and Analysis Center (MS-ISAC) and state and local cybersecurity officials, the Department and its partners learned of specific communications or attempted communications

from malicious infrastructure to known state or local government networks in at least 21 states. At the time these communications were identified and highlighted to network operators, the United States Government had not yet completed its attribution work and therefore did not attribute the communications to Russia. In some cases, state and local government network operators further shared reports with election officials, but not in all cases. The decision to share was at the discretion of the network operators. In more recent discussions with some of these network operators, it is clear that a major reason for not sharing further with elections officials was the fact that the majority of the observed communications were preparatory in nature and indicated no evidence of compromise – low-level activity that generally does not require further notifications. Some Secretaries of State and other state chief election officials expressed frustration at not being informed whether their states were included in the 21 states referenced in DHS’s June 2017 testimony before Congress. To address these concerns, DHS reached out to Secretaries of State and State Election Directors to let them know if their state was or was not included in DHS’s assessment.

DHS is committed to improving the effectiveness of information sharing protocols, both from DHS and among state officials. As the sector-specific agency, DHS is providing overall coordination guidance on election infrastructure matters to subsector stakeholders. As part of this process, the Election Infrastructure Subsector Government Coordinating Council (GCC) was established. The Election Infrastructure Subsector GCC is a representative council of federal, state, and local partners with the mission of focusing on sector-specific strategies and planning. This includes development of information sharing protocols and establishment of key working groups, among other priorities.

The Department of Homeland Security (DHS) has also stood up an Election Task Force (ETF), to improve coordination with and support to our stakeholders. DHS’s National Protection and Programs Directorate (NPPD) is leading the task force. The task force includes personnel from the Office of Cybersecurity and Communications, the Office of Infrastructure Protection, and the Office of Intelligence & Analysis, among others who have been designated by the Department to prioritize their efforts in support of the ETF. As we are ramping up these efforts, DHS is cross-purposing personnel and re-assigning personnel over the course of the next month. Firm numbers on personnel and budget are changing as often as daily. The ETF focuses efforts on:

- Improving communication with election officials in order to provide understanding and actionable information to assist them in strengthening the security of their election infrastructure as it relates to cybersecurity risk.*
- Ensuring coordination of these activities across the Department.*
- Increasing coordination with intelligence community and law enforcement partners.*

- *Supporting regional efforts to ensure they are coordinated and provide election officials with the support and expertise they need.*

On August 4, 2017, the DHS Office of Intelligence and Analysis (I&A) contacted state chief election officials on behalf of the NPPD-led Election Infrastructure Subsector Sector-Specific Agency (SSA) to begin the security clearance process. The Election Infrastructure Subsector SSA continues to work with state election officials and DHS I&A to support the processing of clearances for state chief election officials in each state. It is anticipated that the clearance nomination process will be expanded to include additional state election personnel to allow for additional election-related staff to receive classified information at the state and local level.

In October 2017, the Election Infrastructure Subsector SSA, in conjunction with state partners, chartered an EIS Government Coordinating Council (GCC). One of the main goals of Election Infrastructure Subsector GCC is to develop information sharing protocols and processes to better speed-up information sharing and enhance current election-related intelligence sharing. Overall, the process will leverage existing intelligence sharing resources that DHS has coordinated at the state level, including DHS field intelligence officers, NPPD regional directors, state and local fusion centers, and other accessible facilities critical infrastructure stakeholders use to receive classified briefings.

- b. If confirmed, a commitment to update the committee, in writing, every 30 days after your swearing-in—and terminating on election day 2018—the subsequent steps taken within that month to improve the security of voting systems across the country?

I commit to regularly updating you on this issue and the steps taken on a mutually agreed to schedule, should I be confirmed and after I am able to consult with NPPD leadership to better understand current efforts.

3. In New Hampshire, the Indonesian community includes many people who came to our country years ago fleeing religious persecution. They have since become members of the community, they have worked jobs and paid taxes, and they have raised their families in the Seacoast.

Beginning in 2009, an agreement with U.S. Immigration and Customs Enforcement (ICE) allowed members of this community to remain in the state and obtain work permits so long as they regularly checked-in with ICE. Yet over the past few months, ICE has reversed course and prioritized deporting members of the New Hampshire Indonesian community.

Fortunately, a federal judge has issued an order protecting these individuals from deportation. But that protection is temporary – and I am concerned that ICE prioritized deporting these members of our community in the first place.

- Why did ICE end the longstanding agreement allowing members of the Indonesian community to stay and obtain work permits so long as they regularly checked-in with ICE?

I'm unfamiliar with the details of this particular case. Should I be confirmed, I commit to looking into this issue.

- Why did ICE prioritize deporting these members of the Indonesian community beginning earlier this year?

See above response.

- Why is ICE continuing to seek to deport these members of the Indonesian community?

See above response.

- Do you agree that ICE should prioritize deporting these members of the Indonesian community, many of whom are members of a church community in New Hampshire, and who fled religious persecution in their home country years ago?

Again, as I am unfamiliar with the details of this case, I cannot opine on the actions asserted. I will note that foreign nationals in the United States who fear persecution upon return to their country of origin can apply for asylum. I commit to looking into this case.

- If confirmed, will you commit to re-instating the agreement that allowed members of New Hampshire's Indonesian community to stay and obtain work permits so long as they regularly check-in with ICE?

See above response.

4. This committee has recently examined the critical role that specially trained detection-canines play in DHS' ability to stem the flow of drugs, in particular fentanyl, from coming across our Southern border. I understand that DHS is limited in this effort by the supply of qualified canines, as well as costs associated training and certification programs. Could you share your thoughts on the current investments being made by DHS in canine procurement and training and how DHS is working with the private sector to expand options for certification and secure more canines from the private sector?

As the nominee, I do not have access to information regarding current investments, procurement plans or plans to engage the private sector. I can

offer that CBP is the first federal law enforcement agency in the United States to train canines to detect fentanyl. CBP currently has over 100 canines trained to detect fentanyl and is planning to expand fentanyl training to existing teams that operate in the border security environment as well as ensuring all new canine teams have the ability to detect fentanyl. As I understand it, the USBP Canine Program continues investing in the training and expansion of the number of canine teams certified in the detection of illicit narcotics, which includes opioids. We must do more to combat the spread of fentanyl as part of comprehensive border security and drug demand reduction strategies. If confirmed, I will work with CBP to expand options for qualified canine supply to aid in this important work.

I would also note that TSA is looking to expand its canine certification options through development of a third party canine program for air cargo. This program, once implemented, will provide an option for airlines to use canine teams that are owned, trained, and certified to TSA standards by third parties to screen air cargo for explosive threats. If confirmed, I would look to see what lessons learned other DHS canine programs could glean from this innovative program.

5. As a cyber expert, I'd like to get your opinion on the challenge of the internet-of-things. It is estimated that 8.4 billion internet-connected devices will be used this year alone, which opens us up to a lot of risks. If we are to prevent the ability of hackers to disrupt our economy and the flow of information, we are going to have to take action to try to raise the cyber defenses of consumer's internet connected devices. That's why I joined Senator Warner's legislation, the Internet of Things Cybersecurity Improvement Act (S.1691), which requires that anytime the US government purchases an internet-connect device, that device must adhere to certain baseline cyber standards. This committee focuses on government information security and government purchasing efforts, so Sen. Warner's Internet of Things bill is directly in our jurisdiction. Therefore, I would appreciate your position on the following:

- Would you support this approach and specifically the provision specified in S.1691?

I share your concern regarding the internet of things. I would note that how we define what we call the "Internet of Things" (IOT) can be an elusive endeavor with working definitions evolving as technology evolves. Given the pace of technological innovation and today's hyperconnectivity, threats can be introduced in and through any number of vectors and devices. Overall, I support encouraging more informed purchasing for Federal acquisition, including providing guidance and standards for minimum security requirements for all connected devices. I am not specifically familiar however with S.1691 and have not discussed with DHS leadership. In general, if confirmed, I intend to meet this challenge by working with the General Services Administration and the National Institute of Standards and Technology to

continue ongoing efforts to identify best practices in this area that can be applied to devices across the Federal government, including IOT devices.

- Since DHS is in charge of securing all of the “.gov” domains, then do you believe—in general—that requiring all government-owned internet connected devices to meet baseline cyber standards would help to address “.gov” security?

To clarify, DHS is charged with protecting the federal '.gov' domain of civilian government networks (not all “.gov”). Consistent, improved cybersecurity practices can only help improve .gov security. In addition to policy changes, DHS supports agency efforts to manage their cyber risk through the implementation of shared services, and capabilities such as the Continuous Diagnostics and Mitigation (CDM) program. CDM allows DHS and the agencies to know exactly what is on .gov networks and identify the associated vulnerabilities and risks. Once risks are identified, then agencies and DHS can work together to mitigate them and ensure the security and resilience of our networks. DHS tools and capabilities are designed to give agencies what they need to have a well-managed and controlled IT environment, leading to improved security.

6. I introduced S.1281, the Hack DHS Act with Senator Rob Portman in early May and in October, the Committee passed the bill. This bill requires DHS to establish a bug bounty pilot program within 180 days of passage that would allow white-hat vetted hackers to probe DHS’ public facing websites in order to identify vulnerabilities. The hackers would report these vulnerabilities to DHS and in return, DHS would compensate these hackers for each previously undiscovered vulnerability reported to DHS. Would you answer the following questions for us:

- Would you support establishing a bug bounty pilot program at DHS?

As a part of a larger cyber effort, Bug Bounties have value for security and networks defenders. I believe that the Office of the Chief Information Officer could get value out of such a program if implemented well. In addition, NPPD also offers similar services as well as more in-depth identification of vulnerabilities and, importantly, mitigation plans to remediate those vulnerabilities. If confirmed, I will discuss a bug bounty pilot program and current related efforts with NPPD and CIO leadership.

- Do you think that an appropriately constructed permanent bug bounty program could be of value to the Department?

As a part of a larger cyber effort, Bug Bounties have value for security and networks defenders. I believe that the Office of the Chief Information Officer could get value out of such a program if implemented well. In addition, NPPD also offers similar services as well as more in-depth identification of

vulnerabilities and, importantly, mitigation plans to remediate those vulnerabilities.

7. As you know, TSA personnel have endured low morale rates. According a Partnership for Public Service study, out of 305 total agencies evaluated for morale, TSA was 303rd. Perhaps more than any other agency, TSA needs to improve its morale. We need to make sure that screeners and aviation security workers are focused on their critical tasks and not on personnel issues.
- a. How would you go about improving morale at TSA and what experiences would you draw upon to help achieve increased moral?

Employee morale surveys have repeatedly shown that the people of DHS are inspired by and motivated by the mission. At the same time, they raise challenges regarding quality of life within the workplace and interactions with management.

As a leader, it is important to clearly articulate mission objectives, priorities, and roles and responsibilities, hold people accountable and acknowledge success. It is also important to ensure that career paths are specified, and professional development and training are offered. If confirmed, I look forward to fully engaging with TSA leadership and the frontline workforce to identify specific issues and address them.

- b. Would you consider making TSA employees full-fledge federal employees?

I'm not familiar with the assertion being made by this question. If confirmed, I commit to supporting the needs of TSA employees in meeting their mission.

8. We discussed at the hearing the concrete steps you would take to address the challenges of the foreign fighter population that may return to Western countries in the aftermath of the collapse of the so-called caliphate. We also talked in my office about whether you would support the Unity-of-Effort initiative undertaken by Secretary Jeh Johnson and you suggested that this initiative and the Joint Task Forces at the Department might be expanded. We discussed the possibility of a Joint Task Force focused on cyber and you suggested at the hearing the possibility of a Joint Task Force on foreign fighters. Additionally, my state and other states are faced with the crippling effects of the opioid crisis and we suggested to your predecessor that that Department of Homeland Security needs to bring its full resources to bear on addressing the opioid crisis. Therefore, I would respectfully ask from you that, if confirmed, you will provide me within 90 days of your swearing in your assessment of the viability and value of establishing separate Joint Task Forces at DHS that focus on cybersecurity, foreign fighters and the opioid crisis.

Yes, as stated in the Policy Questionnaire and in the hearing, I support the Unity of Effort initiative undertaken by Secretary Johnson. If confirmed, I pledge to assess the value and viability of establishing additional Joint Task Forces to further integrate DHS capabilities and capacities. As the nominee, I cannot commit to a 90 day

timeframe at this time without having the benefit of knowing all current related efforts, and operational and resource constraints. If confirmed, I will provide you with a timeline as soon as possible.

9. We have recently discovered instances in which nominees, cabinet members, White House staff or campaign staff for the President have had previously undisclosed relationships with Russian nationals, to include Russian government personnel.

- a. Have you maintained any personal or professional relationships with Russian nationals in the past seven years?

No, I have not.

- b. Have any of the contacts been with Russian government personnel?

No, not to the best of my recollection.

- c. If the answer is yes to either (a) or (b), please briefly describe the extent of these relationships.

N/A

- d. Do you have any business dealings with or partnerships that include Russian nationals?

No, I do not.

**Post-Hearing Questions for the Record
Submitted to DHS Secretary-designee Kirstjen M. Nielsen
From Senator Kamala Harris**

“Nomination of Kirstjen M. Nielsen to be Secretary, U.S. Department of Homeland Security”

November 8, 2017

Deferred Action for Childhood Arrivals (DACA)

At your nomination hearing, you committed that the information submitted by DACA applicants will not be shared for enforcement purposes outside of limited circumstances, to make this policy position clear to DHS employees and a response to the letter I sent to Acting Secretary Duke on this matter. You also committed to me that young people who have received DACA will not be enforcement priorities.

1. If you are confirmed, by what means do you plan to make the information sharing policy related to DACA information articulated above clear?

As I understand it, currently there are limited circumstances when such information might be shared to include national security or public safety. To my knowledge, there are limited reasons or exceptions to enable that information to be shared for any other enforcement purpose. I also understand this to be consistent with the policy implemented and observed by the previous Administration. If confirmed, I will review whether there is any ambiguity in the current policy such that additional communication to personnel is required. If confirmed, I commit to meeting with Acting Commissioner McAleenan, Acting Director Homan, and Director Cissna to ensure that all DHS policies are clearly understood by personnel at all levels. Written guidance will be issued to reinforce existing policies when necessary.

2. Within how many days of confirmation would this be done?

I do not have a definite time table as I am not certain any further articulation is necessary until, if confirmed, I have a chance to review current guidance in place and consult with the relevant components.

At your nomination hearing, you committed consider extending the now-passed October 5, 2017 deadline for DACA renewals. You also committed to considered the extraordinary circumstances that DACA recipients faced in meeting that renewals, including the hurricanes and wildfires that occurred in that time and the fact most Americans are unable to pay an unexpected \$500 bill.

1. What is your deadline for completing this reexamination of the DACA renewal deadline?

Should I be confirmed, I commit to looking into the concerns raised by some on the committee that persons in disaster areas were unable to renew their applications. As

the nominee, I do not have a definite time table for such a review. Should I be confirmed, I will work with DHS leadership to determine how best to address and prioritize the Committee's requests for various reports within current resources to ensure that DHS is providing to the Congress all needed oversight information including meeting statutory reporting requirements.

2. Please provide the number of individuals eligible to renew their status by the October 5 renewal deadline?

As the nominee, I am not privy to that information at this time and do not know the Department's ability to produce it.

3. Will you transmit an explanation of your decision on extending the DACA renewal deadline to HSGAC, including how the extraordinary circumstances of natural disasters and an unexpected \$500 bill weighed in your decision?

If confirmed and if a review determines there is the need for an additional decision on the current Administration position on DACA, I will of course communicate such information to the Committee and Congress.

Previously, DHS directly notified DACA recipients of the need to renew their status as their DACA expiration date approached. It is my understanding that this practice was changed under this Administration.

1. Were you involved with this policy change?

I am not aware of such a policy change if it exists, nor was I involved in such a decision if it took place.

2. If so, please describe the reason DHS stopped providing this notification to DACA recipients and provide any related memo or guidance effecting his change.

I am not aware of such a policy change if it exists, nor was I involved in such a decision if it took place.

During your nomination hearing, you represented that you were part of the decision to end the DACA program in a policy-coordinating role, and that you attended a late August 2017 meeting where to decision to end DACA was made.

1. Did you or any other Administration officials from DHS, DOJ, or the White House, consult outside stakeholders on the decision to end DACA prior to September 5, 2017?

I did not consult outside stakeholders. I have been advised that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to comment further.

2. If so, can you provide a list of those stakeholders?

Generally, as a nominee, I do not have access to lists of stakeholders who may have been consulted. I have also been advised that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to comment further.

3. Did you or any other Administration officials from the White House, DHS, or DOJ discuss the decision to end DACA with any of the state attorneys general or representatives of the state attorneys general threatening to file suit to end DACA?

I did not have such discussions. I have been advised that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to comment further.

4. The Center for American Progress has estimated that the rescission of DACA will cost the U.S. \$460 billion in gross domestic product over ten years and cost California \$11 billion annually. Other economists and business leaders have agreed that ending DACA will not only hurt those with DACA, but our economy as a whole. Did you consider the adverse economic impact of rescinding DACA as part of your decision? If so, please detail any related research, data and findings as part of that consideration.

To be clear- I did not make a decision. The DHS Acting Secretary made the decision upon advice provided by the Department of Justice. I have been advised that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to comment further.

Immigration Enforcement Priorities in February 20th Implementation Memo

At your nomination hearing, you agreed that immigration enforcement should prioritize violent criminals, serious criminals, and national security risks. You committed to issuing written guidance to agents that prioritize immigration enforcement.

1. If confirmed, within how many days of confirmation will you issue this guidance?

If confirmed, I will review whether there is any ambiguity in the current policy such that additional communication to personnel is required. If confirmed, I commit to meeting with Acting Commissioner McAleenan and Acting Director Homan to ensure that all DHS policies are clearly understood by personnel at all levels. Written guidance will be issued to reinforce existing policies when necessary. I do not have a definite time table as I am not certain any further articulation is necessary until, if confirmed, I have a chance to review current guidance in place and consult with the relevant components.

2. Will you provide me a copy of this written guidance?

Written guidance will be issued to reinforce existing policies if and when necessary, and appropriate information will be shared with Congress.

3. Will you also provide me a copy of previous guidance that has been given to ICE and CBP agents about the February 20th implementation memo, including any broadcast e-mails from agency or department leadership?

I am not aware of the formats of previous guidance issued by DHS or its components, if confirmed I will ensure appropriate information is shared with Congress.

4. Will you commit to providing training to ICE and CBP agents that prioritizes immigration enforcement to focus on violent and serious criminals as well as on sensitive location policy?

Yes.

Immigration Enforcement at Sensitive Locations

At your nomination hearing, you committed to keeping DHS's policy of immigration enforcement at sensitive locations, including churches, schools, and hospitals. You also committed to issuing guidance to ICE and CBP about the sensitive locations policy in light of the recent apprehension of Rosa Maria Hernandez.

1. If confirmed, within how many days will you issue this guidance?

If confirmed, I will review whether there is any ambiguity in the current policy such that additional communication to personnel is required. If confirmed, I commit to meeting with Acting Commissioner McAleenan and Acting Director Homan to ensure that all DHS policies are clearly understood by personnel at all levels. Written guidance will be issued to reinforce existing policies when necessary. I do not have a definite time table as I am not certain any further articulation is necessary until, if confirmed, I have a chance to review current guidance in place and consult with the relevant components.

2. Will you provide me a copy of this written guidance?

If confirmed, written guidance will be issued to reinforce existing policies if and when necessary, and appropriate information will be shared with Congress.

Unaccompanied Minors

At your nomination hearing, you committed to learning more about the human impact of deporting unaccompanied minors, as well as to providing me with any policy memos that the department is planning to implement affecting the processing of unaccompanied minors.

1. What is your timeline for completing this outreach?

I do not have a definite time table as the nominee because I do not yet know efforts the Department has already undertaken or has underway to take these inputs. Should I be

confirmed, I will work with DHS leadership to determine how best to address and prioritize the Committee's requests within current resources to ensure that DHS is providing to the Congress all needed follow up actions including meeting statutory reporting requirements.

2. Who do you plan to meet with during this outreach? Do your stakeholder groups include organizations that represent unaccompanied minors in immigration proceedings, non-profits advocating for unaccompanied minors, or unaccompanied minors themselves?

I do not have a particular set of stakeholders in mind as the nominee because I do not yet know efforts the Department has already undertaken or has underway to receive inputs and from which stakeholders. I would certainly ensure the Department includes appropriate stakeholder organizations in gathering input.

Temporary Protected Status

Over the next several months, you will be deciding whether to extend Temporary Protected Status for approximately 300,000 people—mostly Salvadorans, but also Haitians, Syrians, Hondurans, and more. Without TPS, virtually all of these people would go from having work authorization and being lawfully present to being undocumented. For most, ending TPS would strip lawful status that they have had for more than 10 years—for some even 20 years.

1. What process will you go through to analyze whether conditions continue to support TPS for each of the countries?

Should I be confirmed, I will meet with the Department of State to understand what data is available to meet the legal determinations requirements under the INA as passed by Congress. The process of TPS review requires the Secretary of Homeland Security to review conditions in each country designated for Temporary Protected Status (TPS) and, after consultation with appropriate U.S. government agencies (including the Department of State), to determine whether the requirements for designation continue to be met and whether an extension, re-designation, or termination is warranted. As I understand it, the factors the Secretary must consider when determining whether the requirements for the temporary designation continue to be met are based on the criteria identified in the statute that accord with the specific basis for designation. If confirmed, I will ensure that all TPS decisions consider all factors allowable under the laws as passed by Congress.

2. Will you take into account the assessments of experts with deep knowledge of the conditions in the country at issue?

Yes

In recent years, the United States has invested heavily in partnerships with the governments of El Salvador, Honduras, and neighboring countries to promote security and prosperity. In addition to working to increase citizen security and opportunity in those countries,

these efforts also have been motivated by a desire to address the root causes of migration. Over the past years, many experts in the Western Hemisphere, including organizations that work in and around Central America, have argued that ending Temporary Protected Status and forcing the return of more than 250,000 Hondurans and Salvadorans could jeopardize much of the work we have been doing. That could both worsen conditions in the region and increase the number of people seeking opportunity further north along our borders.

1. Several big TPS decisions are coming up in the weeks and months ahead. As Secretary, how will you weigh these important factors when making your decision?

I will ensure that all TPS decisions consider all factors allowable under the laws as passed by Congress. The process of TPS review requires the Secretary of Homeland Security to review conditions in each country designated for Temporary Protected Status (TPS) and, after consultation with appropriate U.S. government agencies (including the Department of State), to determine whether the requirements for designation continue to be met and whether an extension, re-designation, or termination is warranted. As I understand it, the factors the Secretary must consider when determining whether the requirements for the temporary designation continue to be met are based on the criteria identified in the statute that accord with the specific basis for designation.

In May, then-Secretary of Homeland Security John Kelly extended TPS for Haiti, concluding conditions on the ground warranted an extension. Since that time, the country has been hit by two devastating hurricanes--Irma and Maria--and is in the midst of a steady increase in diphtheria cases.

1. Given that conditions in Haiti warranted an extension of TPS in May, it seems they would certainly warrant a further extension when that decision is set to be made in two weeks. Does that sound right?

I would not, as nominee, pre-judge any future TPS decisions in either direction at this time whether they would be made by me or Acting Secretary Duke depending on the timing. If confirmed, I will ensure that all future TPS decisions made by me in the role of Secretary would consider all factors allowable under the laws passed by Congress..

With so many people and families directly affected by the decisions you will make on TPS, it is extremely important that the basis for those decisions be transparent and clearly explained to the public.

1. Will you commit to explaining in full how you arrived at the decision in each case and what factors were important to your decision?

If confirmed, I would intend to follow current practice in which the Department shares significant information with Congress and the public whenever a TPS decision is made by the Secretary.

Asylum Seekers

In 2015, The Office of Inspector General expressed concern that DHS was violating international law by referring individuals who express fear of persecution for criminal prosecution for illegal entry and re-entry prosecutions before it is determined whether they might have a valid claim for protection under U.S. law.

1. What will you do to end the practice of referring asylum seekers for criminal prosecution?

I am not familiar with the specifics of this practice as referred to in the question. Should I be confirmed, I will work with relevant DHS leadership including Acting Commissioner McAleenan, Acting Director Homan and Director Cissna to understand the practice and ensure that those claiming credible fear are provided the appropriate and legal hearing for asylum seekers.

2. Are you aware of a recent report by Human Rights First documenting cases of asylum-seekers being turned away at ports of entry and complaints that CBP officers are coercing or pressuring applicants for admission, including asylum seekers, from withdrawing their applications?

I am not aware of this particular report.

3. What steps will you take to support the investigation of the aforementioned complaint and to ensure that CBP officers are complying with the law and held accountable where they are noncompliant?

If confirmed, I will work with Acting Commissioner McAleenan to review the report and ensure CBP follows all laws, regulations and policies. I will also work with CBP to ensure CBP Officers and Border Patrol Agents receive any needed training, are complying with the law, and held accountable in accordance with the law and Department policy.

4. What steps will you take to ensure that both Border Patrol agents and Office of Field Operations officers are trained on this legal obligation and how referral of asylum-seekers for prosecution constitutes a violation of U.S. law?

I believe training is critical for success. I commit to working with Acting Commissioner McAleenan to ensure that Border Patrol Agents and CBP Officers are adequately trained on all legal obligations and that the related laws, policies and guidance are clearly articulated and disseminated.

5. What will you do to ensure that border enforcement operations, policies or practices in no way dissuade or prevent genuine asylum-seekers from seeking protection in the United States?

I will work with DHS Leadership to ensure all personnel are following all applicable laws, regulations, and policies.

Separating Mothers from Children

The Young Center for Immigrant Children's Rights has reported a dramatic increase in the number of requests for Child Advocates for children separated from parents by immigration authorities this year. For example, in New York, there has been nearly a fourfold increase in such requests as compared to the same quarter of the prior year.

1. If confirmed, will you issue written guidance to make clear that mothers are not to be separated from their children at the border?

I am not familiar with the increase cited in the question nor its causation. Should I be confirmed, I will work with Acting Commissioner McAleenan and Acting Director Homan to understand the current practice and policy and if necessary work with them to issue additional guidance.

2. What are you doing to ensure families are not being systematically separated, and if they are, what steps is the Department taking to ensure reunification and communication of separated family members?

As the nominee, I currently have no role in what you describe. If confirmed I will review current policies to ensure DHS is not unnecessarily separating families. My understanding is that while ICE has limited-capacity family residential detention facilities to house alien family members, the separation of alien families generally occurs outside the United States when one or both parents, particularly those from countries in Central America, depart their countries and illegally enter the United States, leaving behind their children, or, the parent(s) arrange for illicit human smuggling organizations to smuggle their children into the United States. In either case, the children arriving at or between ports of entry entering the United States without their parents or legal guardians are processed as unaccompanied alien children (UAC) upon apprehension and, pursuant to the Trafficking Victims Protection Reauthorization Act (TVPRA), the Department of Health and Human Services (DHHS), not DHS, has the sole statutory authority and obligation to provide for the care and custody of such children and to seek reunification with their parents or suitable sponsors in the United States. I am aware that ICE does have an Online Detainee Locator System to help family members locate individuals in immigration custody.

3. If you are confirmed, will you report to me whether DHS is currently drafting or considering a policy to separate families at the border?

If confirmed, I commit to sharing additional policy guidance and appropriate information with Congress.

4. Will you commit to review what procedures exist when U.S. Customs and Border Protection (CBP) makes such a decision (i.e., reviews, opportunity for parents to be represented in challenging a separation)?

I will.

Detention of Pregnant Immigrants

A recent report by the Women's Refugee Commission found that 292 pregnant women were held in immigrant detention during the first four months of this year. ICE policy has been that pregnant women are not to be detained unless they are subject to mandatory detention or extraordinary circumstances existed.

1. Do you commit to maintain this policy and to issue guidance to ensure that the policy is being followed?

I commit to reviewing the policy as I am unfamiliar with current policy and practice with regard to pregnant detainees. I would notify Congress if any change to existing policy were to be recommended.

Detention Standards

There have numerous reports of inhumane treatment in detention facilities that includes abuse of force by officers, excessive use of segregation and lockdown, and medical negligence leading to deaths. Despite this, ICE has shut down the Office of Detention Policy and Planning, which was charged with overseeing detention reform, and has announced plans to weaken governing standards in many detention facilities.

1. Will you commit to maintaining or strengthening standards for immigration detention, which is civil in nature?

Yes.

2. Will you commit to a review and overhaul of the current inspections system, as recommended by the Homeland Security Advisory Council in December 2016?

I am unfamiliar with the specific recommendation of the HSAC but if confirmed will review the status of implementation of that recommendation with DHS leadership.

Parole Programs

There have been reports that U.S. Citizenship and Immigration Services (USCIS) is reviewing parole programs.

1. If confirmed, do you commit to reporting to me which parole programs is USCIS reviewing and what is the status of those reviews? Will you also specifically report if the USCIS is reviewing the Filipino World War II Veterans Parole Program (FWVP)? If so, what is the status of that review?

If confirmed, I commit to sharing the status of such reviews and appropriate information with Congress.

2. According to the most recent data from USCIS, there are 282 pending applications to the FWVP program. What will you do to ensure that processing these applications is prioritized?

If confirmed, I will consult with the Director of USCIS on this topic.

Removal of Refugees

ICE's position is that countries have an obligation to accept their nationals, regardless of repatriation agreements set in place between the U.S. and foreign governments.

1. What are your thoughts on detention when no proof of citizenship can be established (e.g. people born in refugee camps)?

My understanding is that for aliens without a known country of nationality or citizenship who are ordered removed from the United States, ICE will endeavor to locate an appropriate removal country in accordance with the law. In addition to one's country of nationality or citizenship, the Immigration and Nationality Act authorizes removal of aliens to the country of their birth, last residence, or one that is willing to accept them. ICE does not indefinitely detain aliens, regardless of their citizenship or nationality, or lack thereof. ICE detains aliens for the purpose of removal, and the mere fact that an alien lacks proof of citizenship does not necessarily preclude removal.

2. In cases when ICE is detaining individuals who do not have travel papers issued under repatriation agreements, what will you do as Secretary to ensure meaningful oversight of prolonged detention?

*ICE does not indefinitely detain aliens, regardless of their citizenship or nationality, or lack thereof. Should I be confirmed, I would ensure that ICE continues to comply with all constitutional and statutory requirements related to the detention of aliens pending their removal from the United States pursuant to a final order of removal. Further, I understand that DHS has regulations in place that are consistent with Supreme Court precedent (*Zadvydas v. Davis*, 533 U.S. 678 (2001)) and does not generally detain aliens for whom removal in the reasonable foreseeable future is not significantly likely.*

Management Challenges at DHS

At your nomination hearing, you represented that you had read the DHS Inspector General's report from last week that found that, "DHS often fails to update and clarify guidance and policies, ensure full and open communication between employees and management, offer sufficient training, and reduce administrative burdens. Our reports are replete with examples of insufficient training to enable and enhance job performance." You also represented that you read a previous DHS IG report that found the same thing. You then committed to report to me on

what you will have done to increase training and clarify guidance and policies to frontline employees.

1. If confirmed, by what date do you expect to make this report?

As I stated at the hearing, I agree with you about the importance of training. As a nominee, I do not have a definite time table for such a review. Should I be confirmed, I will work with DHS leadership to determine how best to address and prioritize the Committee's requests for various reports within current resources to ensure that DHS is providing to the Congress all needed oversight information including meeting statutory reporting requirements. If confirmed, I commit to working with the Under Secretary for Management to increase management training throughout the Department and ensuring that clear guidance is shared with frontline employees. After meeting with the Deputy Secretary, Under Secretary for Management, and other component heads, I will be able to provide you with a timeline for the report.

2. What do you expect to do to respond to the DHS IG's ongoing concerns about clarity of policies and training around policies?

I share the DHS IG's concerns. I also believe that guidance and policies should be consistently reviewed, updated, rescinded or sunsetted as risk and operational requirements mandate. If confirmed, I will work to ensure that internal controls are in place to ensure a robust policy process from development through to issuance and review. I also commit, if confirmed, to working with the Deputy Secretary and Under Secretary of Management to develop a unified plan to increase training and ensure all DHS employees are given clear policy guidance.

Election Security

On September 22, 2017, state officials elected to oversee elections were officially notified by DHS – for the first time – of attempted or actual intrusions into their election systems during the 2016 election.

1. Why did DHS wait for over a year to notify secretaries of state and other elected officials of actual or attempted security breaches in their states? Has DHS considered the implications of this delay on securing such systems in advance of upcoming elections?

As the nominee, I do not have access to all of the steps that DHS took to notify state and local officials of actual or attempted security breaches in their election systems prior to the 2016 election. However, I am aware that DHS and other federal agencies shared with election officials information regarding election-related threats, including the DHS issuance of several public statements between August and Election Day to share information regarding the threat and urging election officials to seek cybersecurity assistance from either DHS or other experts. As I understand it, the Secretary personally held multiple phone calls with election officials to highlight the seriousness of the threat. As early as August 2016, DHS broadly shared specific tactics and indicators observed against some states—specifically information

regarding targeting of voter registration systems—with state and local governments to increase awareness of the threat and asked recipients to check their systems for similar activity.

DHS and the Office of the Director of National Intelligence declassified attribution and alerted the public to malicious activity directed towards our elections in early October 2016. Several days later, DHS's National Cybersecurity and Communications Integration Center (NCCIC) and the Federal Bureau of Investigation (FBI) published and shared with election officials a joint analysis report containing recommendations and over 650 technical indicators of compromise to assist election officials with detecting malicious activity on their networks. Some of these indicators had previously been classified and were pulled from analysis of previous incidents relevant to the threat. Between August and Election Day, DHS and other interagency partners shared several other products, including best practices specific to election infrastructure, intelligence assessments, risk assessments, and technical information to assist election officials with network protection. Further relevant information was declassified in January 2017 and provided in an intelligence community assessment.

In 2016, through intelligence and information sharing efforts with trusted third parties such as the Multi-State Information Sharing and Analysis Center (MS-ISAC) and state and local cybersecurity officials, the Department and its partners learned of specific communications or attempted communications from malicious infrastructure to known state or local government networks in at least 21 states. At the time these communications were identified and highlighted to network operators, the United States Government had not yet completed its attribution work and therefore did not attribute the communications to Russia. In some cases, state and local government network operators further shared reports with election officials, but not in all cases. The decision to share was at the discretion of the network operators. As I understand it, and should I be confirmed would ask for a complete briefing- In more recent DHS discussions with some of these network operators, it was communicated that a major reason for not sharing further with elections officials was the fact that the majority of the observed communications were preparatory in nature and indicated no evidence of compromise.

I understand some Secretaries of State and other state chief election officials expressed frustration at not being informed whether their states were included in the 21 states referenced in DHS's June 2017 testimony before Congress. To address these concerns, DHS reached out to Secretaries of State and State Election Directors to let them know if their state was or was not included in DHS's assessment.

If confirmed, I will ensure that DHS remains committed to improving the effectiveness of information sharing protocols. As the sector-specific agency, DHS is providing overall coordination guidance on election infrastructure matters to subsector stakeholders. As part of this process, the Election Infrastructure Subsector Government Coordinating Council (GCC) was established as described above. The Election Infrastructure Subsector GCC is a representative council of federal, state, and local partners with the mission of focusing on sector-specific strategies and planning. This includes the development of information sharing protocols and establishment of key working groups, among other priorities.

2. At a June Senate Intelligence Committee hearing, DHS Acting Under Secretary for Cybersecurity and Communications Janette Manfra asserted that DHS was developing a policy to help states secure their election systems. What is the timeline for establishing such a policy?

DHS has been actively working with election officials to improve the security of the Nation's election infrastructure (see previous answer). DHS's National Protection and Programs Directorate (NPPD), in collaboration with the Election Assistance Commission (EAC), the Department of Justice (DOJ), and others, engage directly with election officials. Since the summer of 2016, DHS has focused on prioritizing cybersecurity assistance to election officials.

With the establishment of election infrastructure as a critical infrastructure subsector, DHS has been formalizing policies and structures to support the prioritization of assistance for election officials. As part of this process, DHS established the Election Infrastructure Subsector (EIS) GCC, described above.

In addition, DHS is working with the EAC to identify Sector Coordinating Council (SCC) members. Sector Coordinating Councils are self-organized and self-governed councils that enable critical infrastructure owners and operators in the private sector, their trade associations, and other industry representatives to interact on a wide range of strategies, policies, and activities.

The full GCC and SCC formation of the subsector will help shape policy direction over the long term about how to best help states secure their election systems. These bodies serve as the key forum to coordinate the development of information processes and protocols, as well as other strategic initiatives, such as incident response plans.

3. One of the impediments to providing more-detailed threat assessments to the states in 2016 was the classified nature of the information. What is the timeline for providing state officials with clearances? Once clearances are granted, what process will be in place to ensure threat assessments are provided to the states?

It is important to recognize that the Department of Homeland Security seeks to share information at the lowest classification level whenever possible, and when possible in an unclassified form. In an effort to expedite security clearances for Secretaries of State and chief election officials to ensure they are able to receive classified threat information related to state and local election systems, the Department of Homeland Security worked closely with the National Association of Secretaries of State (NASS) and the National Association of State Election Directors (NASED) to identify key state election officials with oversight of election infrastructure.

As I understand it, this past August, the DHS Office of Intelligence and Analysis (I&A) contacted state chief election officials on behalf of the NPPD-led Election Infrastructure SSA to begin the security clearance process. The Election Infrastructure Subsector SSA continues to work with state election officials and DHS I&A to support the processing of clearances for state chief election officials in each state. It is anticipated that the clearance nomination process will be expanded to include additional state election personnel to allow for additional election-related staff to receive classified information at the state and local level.

As I understand it, ensuring that appropriate election officials in the States have security clearances is a top priority for the Department. However, other agencies also play a critical role in the timely processing of security clearance applications- for example those agencies that conduct background investigations. Also, some security clearance applications can take longer to process due to derogatory information in the applicant's background, potentially leading to the denial of a clearance.

If confirmed, I am committed to ensuring that election officials receive appropriate threat information. While it is the goal of DHS, and would be my goal if confirmed, to provide these clearances as quickly as possible, it should be noted that the Department has other tools to provide officials with classified information when necessary. For instance, through DHS processes or by leveraging those of partner agencies, DHS can provide one-day read ins for classified information when appropriate.

More specifically to the sharing of threat assessments, in October, the Election Infrastructure Subsector SSA, in conjunction with state partners, chartered an EIS Government Coordinating Council (GCC). One of the main goals of the Election Infrastructure Subsector GCC is to develop information sharing protocols and processes to better speed-up information sharing and enhance current election-related intelligence sharing. Overall, the process will leverage existing intelligence sharing resources that DHS has coordinated at the state level, including DHS field intelligence officers, NPPD regional directors, state and local fusion centers, and other accessible facilities critical infrastructure stakeholders use to receive classified briefings.

4. I am working with my colleague, Senator Lankford, and a bipartisan group of senators to draft a bill that aims to address many of the vulnerabilities and inefficiencies surrounding state election cybersecurity, such as improving information sharing, modernizing election infrastructure, and providing guidelines about steps state officials can take to strengthen their defenses. Does this sound like a measure DHS would support?

The Department of Homeland Security is committed to working with State and local partners to improve information sharing and enhance the security of election systems. As part of this effort, the Department strongly support efforts to address vulnerabilities in election infrastructure. If confirmed, I look forward to working with Congress to improve election cybersecurity.

5. Homeland Security has reportedly formed an election security task force to improve state and local voting infrastructure, drawing on resources and expertise from across the Department. Can you please provide details regarding the mission of the task force, the number of staff and budget of the task force, mechanisms for coordinating with state election officials, and plans to report its operational plans and observations to Congress?

Yes, DHS has stood up an Election Task Force (ETF) to improve coordination with and support to its stakeholders. DHS's National Protection and Programs Directorate (NPPD) is leading the task force. The task force includes personnel from the Office of Cybersecurity and Communications, the Office of Infrastructure Protection, and the Office of Intelligence & Analysis, among others who have been designated by the Department to prioritize their efforts in support of the ETF. As I understand it, as the efforts are proceeding, DHS is cross-purposing personnel and re-assigning personnel over the course of the next month. Given the stand up status, as I understand it firm numbers on personnel and budget are changing as often as daily.

I have been advised that the ETF focuses efforts on:

- *Improving communication with election officials in order to provide understanding and actionable information to assist them in strengthening the security of their election infrastructure as it relates to cybersecurity risk.*
- *Ensuring coordination of these activities across the Department.*
- *Increasing coordination with intelligence community and law enforcement partners.*
- *Supporting regional efforts to ensure they are coordinated and provide election officials with the support and expertise they need.*

If confirmed, I am committed to working with Congress and election infrastructure stakeholders to ensure a full understanding of the Department's efforts to assist with the security of our elections.

Invasive Species

California citrus farmers have assets worth up to \$2.5 billion in fruits they produce and ship all over the world. However, the Asian citrus psyllid is an invasive species that is still found to threaten to compromise this industry.

1. If confirmed, will you commit to get me an answer to the following questions within 30 days:

I cannot commit to a definite time table as the nominee because I do not yet know what other responses CBP and DHS may be working on or how long this data will take to compile. Should I be confirmed, I will work with DHS and CBP leadership to determine how best to address and prioritize the Committee's requests within current resources to ensure that DHS is providing to the Congress all needed follow up actions

including meeting statutory reporting requirements. We would provide this information to you as soon as possible.

- a. What specific plans has CBP instituted at ports of entry to ensure that invasive species does not enter the California?
- b. Does CBP share data and coordinate a unified management plan with other federal agencies like the USDA, Fish and Wildlife, and the EPA to ensure early detection, exclusion, and eradication of invasive species?
- c. What sort of data does the CBP have on invasive species that have entered and been caught or have entered but have been overlooked at ports of entry?
- d. I understand that mail is another mode that invasive species have increasing entered into our nation. Could you tell me your coordination with the U.S. Postal Service to deter pests from entering?
- e. What percentage of CBP's budget is dedicated to invasive species management? Does this get shared with other federal agencies?
- f. Do you think more funding is needed to bolster CBP's invasive species program or do you think there are other recommendations that could help improve the programs

Wildfires

During our meeting last Thursday, you committed to looking further into providing a blanket waiver for individuals who have lost green cards, naturalization certificates and other immigration documents as a result of the Norther California wildfires. Yesterday, my office received an e-mail from DHS staff re-stating current policy related to individuals waivers.

1. Does this represent closure of your consideration of this matter, and if not, within how many days of your confirmation will you provide a decision?

I was not aware that DHS staff provided the current policy and I have not reviewed it. As discussed, should I be confirmed, I commit to reviewing current policies and their application to wildfire survivors.

Preliminary estimates from the state suggest that \$1.4 billion is needed from FEMA for disaster relief like affordable housing.

1. Will you commit to providing California the funding needed to help victims of the wildfire rebuild their lives?

DHS and FEMA are and will be committed to helping those affected by the wildfire rebuild their lives as allowed within the legal authorities and funding provided by Congress.

As of November 5, 2017, there have been 3,658 household requests for temporary shelter but FEMA has not been able to provide shelter for all the requests.

1. Will you commit to providing FEMA Individual Assistance, like temporary shelter, as quickly as possible?

Yes.

FEMA has partnered with state and local government to provide them with Public Assistance for Categories A and B (debris removal and emergency response measures).

1. Given the wide scale damage to publically owned facilities, will you also commit to ensuring that you will work to allow for Public Assistance Categories C-G, which helps pay for repairs to transportation, water, and other public infrastructure?

Yes.

Executive Orders Restricting Travel from six Muslim-majority Countries

1. What was your role, both at DHS and at the White House, in the policy formulation and roll-out of the two Executive Orders known as the First and Second Travel Ban and the September 25, 2017 presidential proclamation updated Executive Order 13780?

I served as the Chief of Staff to Secretary Kelly when the two Executive Orders were issued and as Principal Deputy Chief of Staff at the White House when the proclamation was issued. In those capacities, I was involved in the rollout of the Executive Orders and the proclamation and the policy formulation of the proclamation. I have been advised that, in part because your question relates to the subject of ongoing litigation, it would not be appropriate for me to discuss the details of internal deliberations and decision-making.

2. Do you believe that these Executive Orders increase public safety? If so, please explain how.

In general, I believe it is a well-established right and obligation of any country to control its borders, which includes knowing who enters and whether they intend to do harm. The orders and the proclamation address nationals of foreign nations that are state sponsors of terrorism; that are otherwise compromised by terrorism; or that present other serious security concerns. The proclamation in particular was the result of careful evaluation of national-security considerations by the professional men and women of DHS and other agencies. I have been advised that, in part because your question relates to the subject of ongoing litigation, it would not be appropriate for me to comment further.

Transparency and Congressional Oversight

In your policy questionnaire and during your nomination process, you stated that you that your leadership and management style promoted transparency.

As the nominee, I do not currently have access to any of the information requested below in parts "a."-"k." nor do I know what would be required by the components attempting to compile such information in order to produce such a report. I am unable to determine at this time whether such a report is feasible and if so, on what interval it could be produced. If confirmed I would commit to looking into how such information could be produced within the limits of existing information systems at regular intervals and provided to the Committee on a regular basis given statutory requirements and current resources. I commit to working with you to ensure that the Committee has the information it needs to meet its oversight duties.

1. Would you commit to sending my office a monthly update on all ICE and CBP apprehension and removals broken down by the following data fields:
 - a. Age
 - b. Gender
 - c. Country of Origin
 - d. Country of Citizenship
 - e. Immigration Status, including if they are a current or former DACA recipient
 - f. Nonimmigration-related criminal offense broken down by felony, misdemeanor punishable by more than 90 days imprisonment, and misdemeanor punishable by less than 90 days imprisonment including whether the offense was within the last five years or not.
 - g. Immigration-related civil offense, such as visa fraud or visa abuse.
 - h. Whether individuals had pre-existing removal order broken down by whether the order was effectuated and whether the order is more or less than 5 years old at the time of apprehension.
 - i. Whether individuals were apprehended within 1,000 feet of a courthouse, school, hospital, place of worship, site of a religious ceremony, or public demonstration.
 - j. Whether individuals apprehended or removed served in the U.S. Armed Services.
 - k. Whether individuals apprehended or removed have at least one U.S.-born child.

Additional Questions:

During our meeting last Thursday, you committed to looking further into providing a blanket waiver for individuals who have lost green cards, naturalization certificates and other immigration documents as a result of the Norther California wildfires. Yesterday, my office received an e-mail from DHS staff re-stating current policy related to individuals waivers.

1. Does this represent closure of your consideration of this matter, and if not, within how many days of your confirmation will you provide a decision?

I was not aware that DHS staff provided the current policy and I have not reviewed it. As discussed, should I be confirmed, I commit to reviewing current policies and their application to wildfire survivors.

ICE has announced plans to drastically expand immigration detention facilities. It is my understanding that the areas being considered for these facilities lack access to legal service providers.

1. Will you review this issue, and provide a report to this committee on the availability of legal providers within 100 miles of any planned detention facilities?

I am not currently familiar with this issue. Should I be confirmed, I commit to working with Acting Director Homan to review and assess this issue and working with DHS leadership to determine how best to address the Committee's requests for various reports within current resources to ensure that DHS provides the Committee with needed oversight information.

On November 9, 2017, the Washington Post published an article that included reports that White House Chief of Staff John Kelly and White House Homeland Security Advisor Tom Bossert sought to pressure Acting Secretary Elaine Duke to end TPS for Honduras.

1. Were you aware of reported calls to Acting DHS Secretary Duke about ending TPS for Honduras?

I am aware that various calls were conducted between the Acting DHS Secretary and various WH officials with respect to TPS determinations.

- a. If so, what was your role in making or preparing White House officials to make those calls?

I had no role in making or preparing WH officials to make or receive those calls.

2. While you were employed at the White House, did you have any conversations with Acting DHS Secretary Duke or other DHS staff about the TPS program, and specifically about TPS for Honduras, Nicaragua, El Salvador, or Haiti?

I did not have any conversations with Acting DHS Secretary Duke about the TPS program. I did have calls with other DHS staff regarding the TPS program, its deadlines and the need to ensure an orderly rollout of any decisions.

- a. If so, what was the content of those conversations?

I had conversations with DHS staff to verify TPS deadlines and discuss the need to ensure an orderly rollout of any decisions.

3. Based on the Washington Post reporting, it seems that some at the White House have prejudged whether to end TPS status for Honduras. Do you plan to end TPS for Honduras?

Should I be confirmed, in reviewing any TPS related decision, I will consult with the State Department, DHS leadership, and other experts to ensure that I fully understand all legal TPS considerations to include the country conditions. In my current role, I have not made any decisions or plans with respect to the TPS of any country.

- a. If yes, what on-the-ground facts form the basis for your decision to end TPS for Honduras?

N/A

- b. If not, what will is your timeline for reaching a decision on TPS for Honduras? Also, what facts will you use when making your decision on whether to extend TPS for Honduras?

Should I be confirmed, I will endeavor to meet all legal deadlines- including timelines under the law for TPS. Should I be confirmed, I will also meet with the Department of State to understand what data is available to meet the legal determinations requirements under the INA as passed by Congress. The process of TPS review requires the Secretary of Homeland Security to review conditions in each country designated for Temporary Protected Status (TPS) and, after consultation with appropriate U.S. government agencies (including the Department of State), to determine whether the requirements for designation continue to be met and whether an extension, re-designation, or termination is warranted. As I understand it, the factors the Secretary must consider when determining whether the requirements for the temporary designation continue to be met are based on the criteria identified in the statute that accord with the specific basis for designation. If confirmed, I will ensure that all TPS decisions consider all factors allowable under the laws as passed by Congress.

4. Are you aware of what procedures DHS followed in determining that TPS for Nicaragua should be terminated, and if so, please describe such procedures.

Given my nomination status, I am not familiar with the specific procedures that DHS followed with respect to the TPS determination for Nicaragua.

5. If confirmed, will you commit to provide any DHS memos, letters or emails regarding the termination of TPS in Nicaragua?

Should I be confirmed, it is my understanding that I would not be able to provide pre-decisional information but if appropriate and compliant with law and policies, I will provide any documentation describing the final determination to the Committee in its oversight role.

6. Are you aware of the procedures DHS followed in its decision to request information concerning the criminal histories of Haitian TPS beneficiaries in May 2017, and if so, please describe such procedure.

As the former Chief of Staff, I remember various requests for information relating to various groups receiving immigration benefits, but am not familiar with the procedures DHS followed in any request relating to Haitian TPS beneficiary background information.

Since 2000, the U.S. Border Patrol budget has increased by 245%. At the same time, apprehensions are the lowest since the 1970s. Between 2000 and 2016, apprehensions have dropped from 1.6 million to 400,000, continuing a decade-long trend toward lower border apprehensions.

1. Do you agree with the Office of Immigration Statistics border security report that the border is much more secure than ever? If not, why not?

As described in the Policy Questionnaire, I am not familiar with the OIS report but I generally agree that investments in infrastructure, personnel and technology over that time period have made it more difficult to illegally cross our southern land border. I also believe that the Administration's focus on enforcing our immigration laws has deterred would-be illegal crossings and that deterrence, combined with the efforts of the men and women of DHS, has reduced the threats and vulnerabilities that we face at our borders. Despite that, our southern border is not fully secure as indicated by an uptick in recent border unauthorized border crossings and much more can and will be done.

2. Is the American public getting a fair return on investment for all the money that has been spent on border security? If not, why not?

I believe DHS should always assess risk, identify risk-based security and resilience priorities and ensure that any measures, programs, plans, expenditures, acquisitions, training, hiring, etc. meet the risk based priorities. Ultimately, Congress through the Appropriations process has the final say on whether the return on investment is what they expect. I would offer that at a macro level, based on the stats cited in the question above that a 400% reduction in illegal border crossings suggests some positive correlation of return on investment with the 245% increase in budget. One of the great concerns with illegal entry between the ports of entry is that someone may enter unknown, unvetted and with weapons of mass destruction. Such an illegal entr(ies)

would dramatically tip the balance of any cost benefit equation. Unfortunately, given the high consequence nature of the threats faced, DHS must often assess the worst case scenario when making resource allocations as part of risk based border security.

The Department of Homeland Security Office of Immigration Statistics recently released a report noting it is harder to cross the Southwest border than ever. Despite this, DHS continues to advocate for a border wall and 5,000 additional Border Patrol agents.

1. Has DHS or CBP produced any reports to justify these proposed funding and force-level increases?

As I understand it, DHS has been developing northern and southern border strategies that will be delivered to Congress in the coming months. Additionally, the methodologies for resource determinations will be further described in more detail in the soon to be released Border Security Improvement Plan to the House and Senate Appropriations Committees. As I understand it, these combined documents will provide prioritization of investments based on Border Patrol and CBP assessments of necessary expenditures.

2. Will there be an assessment given to Congress to justify these expenditures?

As I understand it, DHS has been developing northern and southern border strategies that will be delivered to Congress in the coming months. Additionally, the methodologies for resource determinations will be further described in more detail in the soon to be released Border Security Improvement Plan to the House and Senate Appropriations Committees. As I understand it, these combined documents will provide prioritization of investments based on Border Patrol and CBP assessments of necessary expenditures.

Recently, the previous DHS Secretary waived dozens more laws for construction of prototypes and replacement fencing in southern California.

1. Would you commit to complying with, instead of waiving, all laws for any further construction of border wall?

Should I be confirmed, I commit to complying with the law and exercising any waiver powers granted to the Secretary with appropriate discretion.

2. Before moving forward with the construction of border wall prototypes and replacement fencing, will you meet with residents of border communities in order to determine the quality-of-life impacts that erecting new barriers or replacing old barriers will have on people who live near the border?

I am not currently familiar with the specific procedures CBP has utilized to determine where replacement fencing and physical barriers are needed. Should I be confirmed, I commit to ensuring that the views of stakeholders, to include residents of border communities, are heard.

3. What metrics will you use to evaluate the effectiveness and return on investment of various methods used for border security, including walls, fences, levees, personnel at and between ports, and manned and unmanned aircraft? Will you commit to making this analysis public?

I believe DHS should always assess risk, identify risk-based security and resilience priorities and ensure that any measures, programs, plans, expenditures, acquisitions, training, hiring, etc. meet the risk based priorities. I also believe that performance metrics to determine the effectiveness of programs, initiatives, acquisitions, measures, etc. are important to ensure we are effectively addressing risk. Should I be confirmed, I will review the border strategies I understand DHS is drafting and work with CBP to ensure that we are effectively securing the border through an integrated combination of personnel, technology, and infrastructure.

In past, a lack of security clearances has hindered the Department's ability to share election cybersecurity threat information with state election agencies. The Department has confirmed that it is in the process of providing those security clearances. Please provide, without including any personally identifiable information.

As the nominee, I do not currently have access to any of the information requested below in 1-6 nor do I know whether information about pending security clearances can be shared in the manner below in a public environment. If confirmed, I will work with DHS leadership to provide you with appropriate information.

1. A list of state election agencies that have requested security clearances.
2. When the request was made.
3. The level of security clearance that was requested.
4. The number of individuals within each agency who are included in the request.
5. The job descriptions for the individuals within each agency who are included in the request.
6. Whether the clearance process for each individual is complete, and if it is not, when DHS expects to complete the clearance process.

States have, in past, not taken significant advantage of the Department's free election cybersecurity assistance.

1. How does the Department inform states about the free assistance that is available?
Please provide a copy of each brochure and similar materials.

As I understand it, DHS has informed states through a variety of outreach mechanisms and through a variety of State points of contact. As the nominee, I do not have access to any brochures or other materials.

2. Please provide:

As the nominee, I do not currently have access to any of the information requested below.

- A list of election agencies (state, county, or municipal) that have requested DHS cybersecurity assistance.
- The forms of assistance that were requested.
- When the request was made.
- When the assistance was provided, and if it has not been provided, when DHS anticipates providing the assistance.

The Department is participating in a Elections Government Sector Coordinating Council (GCC).

1. What is the Department's role in the GCC?

Government Coordinating Councils are part of the partnership structure described in the National Infrastructure Protection plan. Each of the critical infrastructure sectors established under Presidential Policy Directive 21 on Critical Infrastructure Security and Resilience utilize a GCC. GCCs are comprised of representatives from across various levels of government and are formed as the government counterpart to the Sector Coordinating Councils and enable interagency and cross-jurisdictional coordination. DHS coordinates and works in partnership with the SCCs and GCCs to address the security and resilience of our nation's critical infrastructure.

2. What activities does the Department expect the GCC to undertake?

I am not currently familiar with the specific activities the Department is encouraging the GCC to undertake. But I believe the roles of GCCs are generally described on the DHS website.

On September 22, 2017, the Department notified election officials in 21 states that they had been targeted by Russian hackers during the 2016 election cycle. According to news reports, more than one state has disagreed with the Department's technical assessment that prompted the notification that it received.

1. Which states have informed the Department that they disagree with the Department's technical assessment?

As the nominee, I do not currently have access to relevant information to be responsive to this question.

2. For each state that has disagreed, does the Department stand by its technical assessment? If yes, why? If no, has it informed the state of its changed view?

As the nominee, I do not currently have access to relevant information to be responsive to this question.

3. Future election cybersecurity legislation could involve a DHS grant program to state election agencies. Does DHS have the capability to operate such a grant program?

Should I be confirmed, I look forward to working with Congress on any proposed cybersecurity legislation and providing technical assistance as appropriate to ensure that any legislation correctly reflects DHS' operational environment to include its capability and capacity.

Some members of Congress have suggested that cybersecurity responsibilities within DHS should be consolidated into a cybersecurity agency. Do you agree with that direction for reorganizing the Department?

Should I be confirmed, I look forward to working with the Committee and Congress to ensure that DHS organizational structures optimize the ability of DHS to execute its cybersecurity roles and responsibilities.

1. Is the Department able to attract and retain the cybersecurity talent that it requires? If not, what will you do to improve the DHS cybersecurity workforce?

Should I be confirmed, a priority focus area will be to ensure that DHS is able to attract and retain the cybersecurity talent that it requires. Towards that end, as I described in the Policy questionnaire, it is my understanding that DHS has partnered with a variety of entities to include nonprofits, all levels of educational institutions and school boards across the country to encourage the teaching of cybersecurity concepts. DHS has also partnered with the nonprofit National Integrated Cyber Education Research Center (NICERC) to provide cybersecurity curricula and teacher professional development. I have also applauded DHS efforts in sponsoring the CyberCorps Scholarship for Service which provides scholarships towards cybersecurity degree programs in return for service in Federal, State, local, or tribal governments upon graduation. Should I be confirmed, I would look to strengthen and expand DHS' efforts in collaboration with other federal partners and the Administration's overall STEM efforts to recruit and retain cybersecurity personnel. I would also look to identify opportunities across the existing talented DHS workforce and provide training opportunities to enhance cybersecurity expertise. I believe a clearly articulated mission and adequate tools and resources supports strong recruiting, and the ability to grow in one's job and have access to continual training and education supports retention. Recognizing the importance of this issue as a cornerstone of DHS cybersecurity efforts, should I be confirmed I would assess current efforts and work with Department leadership to strengthen related campaigns and programs. Finally, if confirmed, I look forward to

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working with Congress and OPM to ensure we are fully utilizing the unique hiring authorities granted to the Department for cyber security efforts.

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RUSSIANS STILL HAVE AN OPEN PATH TO U.S. ELECTION SUBVERSION

BY JEFF STEIN ON 10/7/17 AT 4:52 PM

NEWSWEEK

<http://www.newsweek.com/spy-talk-jeff-stein-donald-trump-russia-homeland-security-election-russia-680179>

Exactly a year after U.S. intelligence issued a stern warning about Russian interference in the 2016 presidential election, the Trump administration has failed to fill key homeland security posts responsible for preventing another Kremlin assault on the voting system.

Not only that, the White House hasn't even nominated someone to replace now-White House chief of staff John Kelly as secretary of the Department of Homeland Security (DHS), or someone to run its units responsible for protecting the nation's strategic infrastructure, which includes federal, state and local voting systems. Both are in the hands of "acting" officials.

"The administration is having a hard time finding individuals that want to do the job, could do a good job, and could pass Senate confirmation," a congressional expert tells Newsweek, speaking candidly only on the basis he not be quoted by name.

"The second thing is, the administration doesn't seem to want to have anybody head up to the Hill and testify on issues that would be hot-button issues, namely anything to do with election security, cyber security, or the Russian acts from last year."

Unless the administration puts its own political appointees in place at DHS, analysts say, the department will struggle to get protective systems up and running in time for the 2017 primaries and state and local races, let alone the 2018 elections. Acting department heads just don't have the same powers of persuasion as people appointed by the president.

DHS's National Protection and Programs Directorate, or NPPD, responsible for thwarting foreign cyberattacks on the nation's infrastructure, is currently being run by Acting Undersecretary Christopher C. Krebs, a former Microsoft lobbyist and cybersecurity policy chief.

"It being vacant hurts," Erik Rasmussen, a former U.S. Secret Service prosecutor and special agent, tells Newsweek. "The head of that unit has deep cyber operational control and has a critical role to play in any critical infrastructure decision."

Nor were several congressional officials responsible for homeland security oversight able to identify anyone in charge of the Election Infrastructure Cybersecurity Working Group, which, according to an NPPD announcement in July, was embarking on an ambitious program to integrate DHS with "not only state and local election officials, but also other federal agencies."

DHS is also launching a Government Coordinating Council to liaise with the bipartisan U.S. Election Assistance Commission and 25 state and local officials, but "the membership and structure is still being finalized," a department official tells Newsweek.

Three months later, the elections unit, “has not gone out and talked with state election officials to determine what exactly [they] need to increase their own cybersecurity defenses, and what kind of authorities the federal government might need to be able to help provide that assistance,” the congressional expert said. They are “just starting to look at it right now.”

At a press conference last week, Senator Richard Burr of North Carolina, chairman of the Senate Intelligence Committee, said that members of the panel shared a “general consensus” of agreement on the conclusions of last January’s intelligence community assessment that the Kremlin’s effort to interfere in the 2016 presidential campaign was directed by Russian President Vladimir Putin. “The overall theme of their involvement in the U.S. election was to create chaos at every level,” Burr said, declining to share another conclusion of the intelligence agencies that Putin’s aim was to tilt voters away from Hillary Clinton and toward Donald Trump.

Burr also said he was, “pleased with the progress” the homeland security department was making to prevent further election interference. But Democrats on Capitol Hill unanimously disagreed with that statement.

In a statement to Newsweek, Rep. Bennie Thompson of Mississippi, ranking Democrat on the House Homeland Security Committee, called Trump “irresponsible and reckless” for “leaving leadership positions at our cybersecurity agencies unfilled...almost ten months into this administration.”

Likewise, New Hampshire Sen. Maggie Hassan, a member of the Senate Homeland Security and Governmental Affairs Committee, told Newsweek, “what we urgently need is a genuine effort from congressional Republicans and the Trump administration to work with us...especially given the fast-approaching 2017 election...” On Thursday, the committee approved a bill introduced jointly by Hassan and Republican Sen. Rob Portman of Ohio that would enlist “‘white-hat’—that is, ethical—hackers to help identify unique and undiscovered vulnerabilities in the DHS networks and information technology.”

Three weeks ago, DHS surprised election officials in 21 states with the news that Russian hackers had tried to access their voter information. On September 28, according to The Huffington Post, election officials in Wisconsin and California said DHS had “provided them with additional information showing that Russian hackers actually scanned networks at other state agencies unconnected to voter data.”

At a September 27 hearing of the Senate Homeland Security and Government Affairs Committee, the panel’s top Democrat, Missouri Senator Claire McCaskill, said she was “worried about how long it’s taken us to notify the states about the potential efforts to scan voter registration files in their states...” And she asked Trump administration officials, including acting DHS secretary Elaine Duke, “what is our strategy going forward? How are we going to do what needs to be done to notify the American public if this is going on, and prevent it from actually happening in all of these various ways that Russia played around in our democracy?”

Duke responded that DHS had learned to “notify the right senior [state] official” about Russian election intrusions.

Christopher Wray, who Trump appointed to replace James Comey as FBI Director, told McCaskill that, "We are surging more resources specifically focused on the upcoming elections..."

When they issued their joint statement on Russian election meddling last October 7, DHS Secretary Jeh Johnson and Director of National Intelligence James Clapper claimed that DHS was "providing several services to state and local election officials to assist in their cybersecurity," including, "'hygiene' scans of Internet-facing systems, risk and vulnerability assessments, information sharing about cyber incidents, and best practices for securing voter registration databases and addressing potential cyber threats."

Rasmussen, now a top cyber official with the global investigations firm Kroll, called the hygiene scan "a really good program," but said, "I'm not sure how many entities actually use it." In any event, he said, "there are still too many voting platforms—vote by mail, paper vote, online vote, machine vote at a polling station—that are really vulnerable to outside sabotage or manipulation."

DHS did not respond to several questions about its cybersecurity measures related to the elections.

"Overall," says the congressional homeland security expert, "our assessment is that DHS is just really getting serious about this right now."

How serious remains to be seen. As Laura Rosenberger, a senior former Obama administration national security official, puts it: "The person at the very top continues to deny that this is even an issue." Last week, Trump tweeted that the Senate Intelligence Committee should be investigating "fake news," not Russia's election meddling and alleged collusion with him and his associates.

"I don't know where you go from there," Rosenberger added. "We need a whole government strategy on this, and that requires White House leadership."

It's not likely to come, former Obama White House Counsel Bob Bauer wrote this week.

"A whole government approach would require an executive fully prepared to work with the Congress to meet this challenge," Bauer said. "President Donald Trump has given no such indication: quite the opposite."

Secretary
U.S. Department of Homeland Security
Washington, DC 20528



Homeland Security

February 20, 2017

MEMORANDUM FOR:

Kevin McAleenan
Acting Commissioner
U.S. Customs and Border Protection

Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement

Lori Scialabba
Acting Director
U.S. Citizenship and Immigration Services

Joseph B. Maher
Acting General Counsel

Dimple Shah
Acting Assistant Secretary for International Affairs

Chip Fulghum
Acting Undersecretary for Management

FROM:

John Kelly
Secretary

A handwritten signature in black ink, appearing to read "John Kelly", written over the printed name and title.

SUBJECT:

Enforcement of the Immigration Laws to Serve the National Interest

This memorandum implements the Executive Order entitled "Enhancing Public Safety in the Interior of the United States," issued by the President on January 25, 2017. It constitutes guidance for all Department personnel regarding the enforcement of the immigration laws of the United States, and is applicable to the activities of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS). As such, it should inform enforcement and removal activities, detention decisions, administrative litigation, budget requests and execution, and strategic planning.

With the exception of the June 15, 2012, memorandum entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” and the November 20, 2014 memorandum entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents,”¹ all existing conflicting directives, memoranda, or field guidance regarding the enforcement of our immigration laws and priorities for removal are hereby immediately rescinded—to the extent of the conflict—including, but not limited to, the November 20, 2014, memoranda entitled “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants,” and “Secure Communities.”

A. The Department’s Enforcement Priorities

Congress has defined the Department’s role and responsibilities regarding the enforcement of the immigration laws of the United States. Effective immediately, and consistent with Article II, Section 3 of the United States Constitution and Section 3331 of Title 5, United States Code, Department personnel shall faithfully execute the immigration laws of the United States against all removable aliens.

Except as specifically noted above, the Department no longer will exempt classes or categories of removable aliens from potential enforcement. In faithfully executing the immigration laws, Department personnel should take enforcement actions in accordance with applicable law. In order to achieve this goal, as noted below, I have directed ICE to hire 10,000 officers and agents expeditiously, subject to available resources, and to take enforcement actions consistent with available resources. However, in order to maximize the benefit to public safety, to stem unlawful migration and to prevent fraud and misrepresentation, Department personnel should prioritize for removal those aliens described by Congress in Sections 212(a)(2), (a)(3), and (a)(6)(C), 235(b) and (c), and 237(a)(2) and (4) of the Immigration and Nationality Act (INA).

Additionally, regardless of the basis of removability, Department personnel should prioritize removable aliens who: (1) have been convicted of any criminal offense; (2) have been charged with any criminal offense that has not been resolved; (3) have committed acts which constitute a chargeable criminal offense; (4) have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency; (5) have abused any program related to receipt of public benefits; (6) are subject to a final order of removal but have not complied with their legal obligation to depart the United States; or (7) in the judgment of an immigration officer, otherwise pose a risk to public safety or national security. The Director of ICE, the Commissioner of CBP, and the Director of USCIS may, as they determine is appropriate, issue further guidance to allocate appropriate resources to prioritize enforcement activities within these categories—for example, by prioritizing enforcement activities against removable aliens who are convicted felons or who are involved in gang activity or drug trafficking.

¹ The November 20, 2014, memorandum will be addressed in future guidance.

B. Strengthening Programs to Facilitate the Efficient and Faithful Execution of the Immigration Laws of the United States

Facilitating the efficient and faithful execution of the immigration laws of the United States—and prioritizing the Department’s resources—requires the use of all available systems and enforcement tools by Department personnel.

Through passage of the immigration laws, Congress established a comprehensive statutory regime to remove aliens expeditiously from the United States in accordance with all applicable due process of law. I determine that the faithful execution of our immigration laws is best achieved by using all these statutory authorities to the greatest extent practicable. Accordingly, Department personnel shall make full use of these authorities.

Criminal aliens have demonstrated their disregard for the rule of law and pose a threat to persons residing in the United States. As such, criminal aliens are a priority for removal. The Priority Enforcement Program failed to achieve its stated objectives, added an unnecessary layer of uncertainty for the Department’s personnel, and hampered the Department’s enforcement of the immigration laws in the interior of the United States. Effective immediately, the Priority Enforcement Program is terminated and the Secure Communities Program shall be restored. To protect our communities and better facilitate the identification, detention, and removal of criminal aliens within constitutional and statutory parameters, the Department shall eliminate the existing Forms I-247D, I-247N, and I-247X, and replace them with a new form to more effectively communicate with recipient law enforcement agencies. However, until such forms are updated they may be used as an interim measure to ensure that detainers may still be issued, as appropriate.

ICE’s Criminal Alien Program is an effective tool to facilitate the removal of criminal aliens from the United States, while also protecting our communities and conserving the Department’s detention resources. Accordingly, ICE should devote available resources to expanding the use of the Criminal Alien Program in any willing jurisdiction in the United States. To the maximum extent possible, in coordination with the Executive Office for Immigration Review (EOIR), removal proceedings shall be initiated against aliens incarcerated in federal, state, and local correctional facilities under the Institutional Hearing and Removal Program pursuant to section 238(a) of the INA, and administrative removal processes, such as those under section 238(b) of the INA, shall be used in all eligible cases.

The INA § 287(g) Program has been a highly successful force multiplier that allows a qualified state or local law enforcement officer to be designated as an “immigration officer” for purposes of enforcing federal immigration law. Such officers have the authority to perform all law enforcement functions specified in section 287(a) of the INA, including the authority to investigate, identify, apprehend, arrest, detain, and conduct searches authorized under the INA, under the direction and supervision of the Department.

There are currently 32 law enforcement agencies in 16 states participating in the 287(g)

Program. In previous years, there were significantly more law enforcement agencies participating in the 287(g) Program. To the greatest extent practicable, the Director of ICE and Commissioner of CBP shall expand the 287(g) Program to include all qualified law enforcement agencies that request to participate and meet all program requirements. In furtherance of this direction and the guidance memorandum, "Implementing the President's Border Security and Immigration Enforcement Improvements Policies" (Feb. 20, 2017), the Commissioner of CBP is authorized, in addition to the Director of ICE, to accept State services and take other actions as appropriate to carry out immigration enforcement pursuant to section 287(g) of the INA.

C. Exercise of Prosecutorial Discretion

Unless otherwise directed, Department personnel may initiate enforcement actions against removable aliens encountered during the performance of their official duties and should act consistently with the President's enforcement priorities identified in his Executive Order and any further guidance issued pursuant to this memorandum. Department personnel have full authority to arrest or apprehend an alien whom an immigration officer has probable cause to believe is in violation of the immigration laws. They also have full authority to initiate removal proceedings against any alien who is subject to removal under any provision of the INA, and to refer appropriate cases for criminal prosecution. The Department shall prioritize aliens described in the Department's Enforcement Priorities (Section A) for arrest and removal. This is not intended to remove the individual, case-by-case decisions of immigration officers.

The exercise of prosecutorial discretion with regard to any alien who is subject to arrest, criminal prosecution, or removal in accordance with law shall be made on a case-by-case basis in consultation with the head of the field office component, where appropriate, of CBP, ICE, or USCIS that initiated or will initiate the enforcement action, regardless of which entity actually files any applicable charging documents: CBP Chief Patrol Agent, CBP Director of Field Operations, ICE Field Office Director, ICE Special Agent-in-Charge, or the USCIS Field Office Director, Asylum Office Director or Service Center Director.

Except as specifically provided in this memorandum, prosecutorial discretion shall not be exercised in a manner that exempts or excludes a specified class or category of aliens from enforcement of the immigration laws. The General Counsel shall issue guidance consistent with these principles to all attorneys involved in immigration proceedings.

D. Establishing the Victims of Immigration Crime Engagement (VOICE) Office

Criminal aliens routinely victimize Americans and other legal residents. Often, these victims are not provided adequate information about the offender, the offender's immigration status, or any enforcement action taken by ICE against the offender. Efforts by ICE to engage these victims have been hampered by prior Department of Homeland Security (DHS) policy extending certain Privacy Act protections to persons other than U.S. citizens and lawful permanent residents, leaving victims feeling marginalized and without a voice. Accordingly, I am establishing the Victims of Immigration Crime Engagement (VOICE) Office within the Office of

the Director of ICE, which will create a programmatic liaison between ICE and the known victims of crimes committed by removable aliens. The liaison will facilitate engagement with the victims and their families to ensure, to the extent permitted by law, that they are provided information about the offender, including the offender's immigration status and custody status, and that their questions and concerns regarding immigration enforcement efforts are addressed.

To that end, I direct the Director of ICE to immediately reallocate any and all resources that are currently used to advocate on behalf of illegal aliens (except as necessary to comply with a judicial order) to the new VOICE Office, and to immediately terminate the provision of such outreach or advocacy services to illegal aliens.

Nothing herein may be construed to authorize disclosures that are prohibited by law or may relate to information that is Classified, Sensitive but Unclassified (SBU), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or similarly designated information that may relate to national security, law enforcement, or intelligence programs or operations, or disclosures that are reasonably likely to cause harm to any person.

E. Hiring Additional ICE Officers and Agents

To enforce the immigration laws effectively in the interior of the United States in accordance with the President's directives, additional ICE agents and officers are necessary. The Director of ICE shall—while ensuring consistency in training and standards—take all appropriate action to expeditiously hire 10,000 agents and officers, as well as additional operational and mission support and legal staff necessary to hire and support their activities. Human Capital leadership in CBP and ICE, in coordination with the Under Secretary for Management and the Chief Human Capital Officer, shall develop hiring plans that balance growth and interagency attrition by integrating workforce shaping and career paths for incumbents and new hires.

F. Establishment of Programs to Collect Authorized Civil Fines and Penalties

As soon as practicable, the Director of ICE, the Commissioner of CBP, and the Director of USCIS shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties which the Department is authorized under the law to assess and collect from aliens and from those who facilitate their unlawful presence in the United States.

G. Aligning the Department's Privacy Policies With the Law

The Department will no longer afford Privacy Act rights and protections to persons who are neither U.S. citizens nor lawful permanent residents. The DHS Privacy Office will rescind the DHS *Privacy Policy Guidance memorandum*, dated January 7, 2009, which implemented the DHS "mixed systems" policy of administratively treating all personal information contained in DHS record systems as being subject to the Privacy Act regardless of the subject's immigration status. The DHS Privacy Office, with the assistance of the Office of the General Counsel, will

develop new guidance specifying the appropriate treatment of personal information DHS maintains in its record systems.

H. Collecting and Reporting Data on Alien Apprehensions and Releases

The collection of data regarding aliens apprehended by ICE and the disposition of their cases will assist in the development of agency performance metrics and provide transparency in the immigration enforcement mission. Accordingly, to the extent permitted by law, the Director of ICE shall develop a standardized method of reporting statistical data regarding aliens apprehended by ICE and, at the earliest practicable time, provide monthly reports of such data to the public without charge.

The reporting method shall include uniform terminology and shall utilize a format that is easily understandable by the public and a medium that can be readily accessed. At a minimum, in addition to statistical information currently being publicly reported regarding apprehended aliens, the following categories of information must be included: country of citizenship, convicted criminals and the nature of their offenses, gang members, prior immigration violators, custody status of aliens and, if released, the reason for release and location of their release, aliens ordered removed, and aliens physically removed or returned.

The ICE Director shall also develop and provide a weekly report to the public, utilizing a medium that can be readily accessed without charge, of non-Federal jurisdictions that release aliens from their custody, notwithstanding that such aliens are subject to a detainer or similar request for custody issued by ICE to that jurisdiction. In addition to other relevant information, to the extent that such information is readily available, the report shall reflect the name of the jurisdiction, the citizenship and immigration status of the alien, the arrest, charge, or conviction for which each alien was in the custody of that jurisdiction, the date on which the ICE detainer or similar request for custody was served on the jurisdiction by ICE, the date of the alien's release from the custody of that jurisdiction and the reason for the release, an explanation concerning why the detainer or similar request for custody was not honored, and all arrests, charges, or convictions occurring after the alien's release from the custody of that jurisdiction.

I. No Private Right of Action

This document provides only internal DHS policy guidance, which may be modified, rescinded, or superseded at any time without notice. This guidance is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigation prerogatives of DHS.

In implementing these policies, I direct DHS Components to consult with legal counsel to ensure compliance with all applicable laws, including the Administrative Procedure Act.



U.S. Citizenship and
Immigration Services

Archived Content

This page contains information that is no longer current but remains on our site for reference purposes.

Frequently Asked Questions

DHS DACA FAQs

DACA Has Changed!

- We are no longer accepting initial requests for DACA, but we will adjudicate initial requests for DACA accepted by Sept. 5, 2017.
- We will no longer approve advance parole requests associated with DACA.
- We are only adjudicating DACA renewal requests received by Oct. 5, 2017, from current beneficiaries whose benefits will expire between Sept. 5, 2017 and March 5, 2018.
- [Read the 2017 DACA announcement](#)

DACA Process What is Deferred Action for Childhood Arrivals? General Information for All Requestors

- [Background Checks](#)
- [After USCIS Makes a Decision](#)

Initial Requests for DACA

Renewal of DACA

Travel

Criminal Convictions

Miscellaneous

I. General Information for All Requestors

A. What is Deferred Action for Childhood Arrivals?

As the Department of Homeland Security (DHS) continues to focus its enforcement resources on the removal of individuals who pose a danger to national security or a risk to public safety, DHS will exercise prosecutorial discretion as appropriate to ensure that enforcement resources are not expended on low priority cases, such as individuals who came to the United States as children and meet other key guidelines. Individuals who demonstrate that they meet the guidelines below may request consideration of deferred action for childhood arrivals (DACA) for a period of two years, subject to renewal for a period of two years, and may be eligible for employment authorization.

You may request consideration of DACA if you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
5. Had no lawful status on June 15, 2012, meaning that:
 - You never had a lawful immigration status on or before June 15, 2012, or
 - Any lawful immigration status or parole that you obtained prior to June 15, 2012, had expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a General Educational Development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, a significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Individuals can call U.S. Citizenship and Immigration Services (USCIS) at 1-800-375-5283 with questions or to request more information on DACA. Those with pending requests can also use a number of [online self-help tools](#) which include the ability to check case status and processing times, change your address, and send an inquiry about a case pending longer than posted processing times or non-delivery of a card or document.

Q1: What is deferred action?

A1: Deferred action is a discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. For purposes of future inadmissibility based upon **unlawful presence**, an individual whose case has been deferred is not considered to be unlawfully present during the period in which deferred action is in effect. An individual who has received deferred action is authorized by DHS to be present in the United States, and is therefore considered by DHS to be lawfully present during the period deferred action is in effect. However, deferred action does not confer **lawful status** upon an individual, nor does it excuse any previous or subsequent periods of unlawful presence.

Under existing regulations, an individual whose case has been deferred is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate "an economic necessity for employment." DHS can terminate or renew deferred action at any time, at the agency's discretion.

Q2: What is DACA?

A2: On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several key guidelines may request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization.

Individuals who can demonstrate through verifiable documentation that they meet these guidelines will be considered for deferred action. Determinations will be made on a case-by-case basis under the DACA guidelines.

Q3: Is there any difference between "deferred action" and DACA under this process?

A3: DACA is one form of deferred action. The relief an individual receives under DACA is identical for immigration purposes to the relief obtained by any person who receives deferred action as an act of prosecutorial discretion.

Q4: If my removal is deferred under the consideration of DACA, am I eligible for employment authorization?

A4: Yes. Under existing regulations, if your case is deferred, you may obtain employment authorization from USCIS provided you can demonstrate an economic necessity for employment.

Q5: If my case is deferred, am I in lawful status for the period of deferral?

A5: No. Although action on your case has been deferred and you do not accrue unlawful presence (for admissibility purposes) during the period of deferred action, deferred action does not confer any lawful status.

The fact that you are not accruing unlawful presence does not change whether you are in lawful status while you remain in the United States. However, although deferred action does not confer a lawful immigration status, your period of stay is authorized by the Department of Homeland Security while your deferred action is in effect and, for admissibility purposes, you are considered to be lawfully present in the United States during that time. **Individuals granted deferred action are not precluded by federal law from establishing domicile in the U.S.**

Apart from the immigration laws, “lawful presence,” “lawful status” and similar terms are used in various other federal and state laws. For information on how those laws affect individuals who receive a favorable exercise of prosecutorial discretion under DACA, please contact the appropriate federal, state or local authorities.

Q6: Can I renew my period of deferred action and employment authorization under DACA?

A6: Yes. You may request consideration for a renewal of your DACA. Your request for a renewal will be considered on a case-by-case basis. If USCIS renews its exercise of discretion under DACA for your case, you will receive deferred action for another two years, and if you demonstrate an economic necessity for employment, you may receive employment authorization throughout that period.

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B. DACA Process

Q7: How do I request consideration of DACA?

A7: To request consideration of DACA (either as an initial request or to request a renewal), you must submit [Form I-821D, Consideration of Deferred Action for Childhood Arrivals](#) to USCIS. Please visit [uscis.gov/i-821d](#) before you begin the process to make sure you are using the most current version of the form available. This form must be completed, properly signed and accompanied by a [Form I-765, Application for Employment Authorization](#), and a [Form I-765WS, Worksheet \(PDF, 235 KB\)](#), establishing your economic need for employment. If you fail to submit a completed Form I-765 (along with the accompanying filing fees for that form, please see the Form I-821D page for more information), USCIS will not consider your request for deferred action. Please read the form instructions to ensure that you answer the appropriate questions (determined by whether you are submitting an initial or renewal request) and that you submit all the required documentation to support your initial request.

You must file your request for consideration of DACA at the USCIS Lockbox. You can find the mailing address and instructions at [www.uscis.gov/i-821d](#). As of June 5, 2014, requestors must use the new version of the form. After your Form I-821D, Form I-765, and Form I-765 Worksheet have been received, USCIS will review them for completeness, including submission of the required fee, initial evidence and supporting documents (for initial filings).

If it is determined that the request is complete, USCIS will send you a receipt notice. USCIS will then send you an appointment notice to visit an Application Support Center (ASC) for biometric services, if an appointment is required. Please make sure you read and follow the directions in the notice. Failure to attend your biometrics appointment may delay processing of your request for consideration of deferred action, or may result in a denial of your request. You may also choose to receive an email and/or text message notifying you that your form has been accepted by completing a [Form G-1145, E-Notification of Application/Petition Acceptance](#).

Each request for consideration of DACA will be reviewed on an individual, case-by-case basis. USCIS may request more information or evidence from you, or request that you appear at a USCIS office. USCIS will notify you of its determination in writing.

Note: All individuals who believe they meet the guidelines, including those in removal proceedings, with a final removal order, or with a voluntary departure order (and not in immigration detention), may affirmatively request consideration of DACA from USCIS through this process. Individuals who are currently in immigration detention and believe they meet the guidelines may not request consideration of deferred action from USCIS but may identify themselves to their deportation officer or Jail Liaison. You may also contact the ICE Field Office Director. For more information visit ICE's website at www.ice.gov/daca.

Q8: Can I obtain a fee waiver or fee exemption for this process?

A8: There are no fee waivers available for employment authorization applications connected to DACA. There are very limited fee exemptions available. Requests for fee exemptions must be filed and favorably adjudicated before an individual files his/her request for consideration of DACA without a fee. In order to be considered for a fee exemption, you must submit a letter and supporting documentation to USCIS demonstrating that you meet one of the following conditions:

- You are under 18 years of age, have an income that is less than 150 percent of the U.S. poverty level, and are in foster care or otherwise lacking any parental or other familial support; or
- You are under 18 years of age and homeless; or
- You cannot care for yourself because you suffer from a serious, chronic disability and your income is less than 150 percent of the U.S. poverty level; or,
- You have, at the time of the request, accumulated **\$10,000** or more in debt in the past 12 months as a result of unreimbursed medical expenses for yourself or an immediate family member, and your income is less than 150 percent of the U.S. poverty level.

You can find additional information on our [Fee Exemption Guidance](#) Web page. Your request must be submitted and decided before you submit a request for consideration of DACA without a fee. In order to be considered for a fee exemption, you must provide documentary evidence to demonstrate that you meet any of the above conditions at the time that you make the request. For evidence, USCIS will:

- Accept affidavits from community-based or religious organizations to establish a requestor's homelessness or lack of parental or other familial financial support.
- Accept copies of tax returns, bank statement, pay stubs, or other reliable evidence of income level. Evidence can also include an affidavit from the applicant or a responsible third party attesting that the applicant does not file tax returns, has no bank accounts, and/or has no income to prove income level.
- Accept copies of medical records, insurance records, bank statements, or other reliable evidence of unreimbursed medical expenses of at least **\$10,000**.
- Address factual questions through Requests for Evidence (RFEs).

Q9: If individuals meet the guidelines for consideration of DACA and are encountered by U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE), will they be placed into removal proceedings?

A9: DACA is intended, in part, to allow CBP and ICE to focus on priority cases. Under the direction of the Secretary of Homeland Security, if an individual meets the guidelines for DACA, CBP or ICE should exercise their discretion on a case-by-case basis to prevent qualifying individuals from being apprehended, placed into removal proceedings, or removed. If individuals believe that, in light of this policy, they should not have been apprehended or placed into removal proceedings, contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

Q10: Does this process apply to me if I am currently in removal proceedings, have a final removal order, or have a voluntary departure order?

A10: This process is open to any individual who can demonstrate he or she meets the guidelines for consideration, including those who have never been in removal proceedings as well as those in removal proceedings, with a final order, or with a voluntary departure order (as long as they are not in immigration detention).

Q11: If I am not in removal proceedings but believe I meet the guidelines for consideration of DACA, should I seek to place myself into removal proceedings through encounters with CBP or ICE?

A11: No. If you are not in removal proceedings but believe that you meet the guidelines, you should submit your DACA request to USCIS under the process outlined below.

Q12: Can I request consideration of DACA from USCIS if I am in immigration detention under the custody of ICE?

A12: No. If you are currently in immigration detention, you may not request consideration of DACA from USCIS. If you think you may meet the guidelines of this process, you should identify yourself to your deportation officer or Jail Liaison. You may also contact the ICE Field Office Director. For more information, visit ICE's website at www.ice.gov/daca.

Q13: If I am about to be removed by ICE and believe that I meet the guidelines for consideration of DACA, what steps should I take to seek review of my case before removal?

A13: If you believe you can demonstrate that you meet the guidelines and are about to be removed, you should immediately contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

Q14: What should I do if I meet the guidelines of this process and have been issued an ICE detainer following an arrest by a state or local law enforcement officer?

A14: If you meet the guidelines and have been served a detainer, you should immediately contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

Q15: If I accepted an offer of administrative closure under the case-by-case review process or my case was terminated as part of the case-by-case review process, can I be considered for deferred action under this process?

A15: Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you have accepted an offer of administrative closure or termination under the case-by-case review process.

Q16: If I declined an offer of administrative closure under the case-by-case review process, can I be considered for deferred action under this process?

A16: Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you declined an offer of administrative closure under the case-by-case review process.

Q17: If my case was reviewed as part of the case-by-case review process but I was not offered administrative closure, can I be considered for deferred action under this process?

A17: Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you were not offered administrative closure following review of your case as part of the case-by-case review process.

Q18: Can I request consideration of DACA under this process if I am currently in a nonimmigrant status (e.g. F-1, E-2, H-4) or have Temporary Protected Status (TPS)?

A18: No. You can only request consideration of DACA under this process if you currently have no immigration status and were not in any lawful status on June 15, 2012.

Q19: Will the information I share in my request for consideration of DACA be used for immigration enforcement purposes?

A19: Information provided in this request is protected from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice

To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance (www.uscis.gov/NTA). Individuals whose cases are deferred pursuant to DACA will not be referred to ICE. The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing policy covers family members and guardians, in addition to the requestor. This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Q20: If my case is referred to ICE for immigration enforcement purposes or if I receive an NTA, will information related to my family members and guardians also be referred to ICE for immigration enforcement purposes?

A20: If your case is referred to ICE for purposes of immigration enforcement or you receive an NTA, information related to your family members or guardians that is contained in your request will not be referred to ICE for purposes of immigration enforcement against family members or guardians. However, that information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense.

This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

Q21: Will USCIS verify documents or statements that I provide in support of a request for DACA?

A21: USCIS has the authority to verify documents, facts, and statements that are provided in support of requests for DACA. USCIS may contact education institutions, other government agencies, employers, or other entities in order to verify information.

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C. Background Checks

Q22: Will USCIS conduct a background check when reviewing my request for consideration of DACA?

A22: Yes. You must undergo biographic and biometric background checks before USCIS will consider your DACA request.

Q23: What do background checks involve?

A23: Background checks involve checking biographic and biometric information provided by the individuals against a variety of databases maintained by DHS and other federal government agencies.

Q24: What steps will USCIS and ICE take if I engage in fraud through the new process?

A24: If you knowingly make a misrepresentation, or knowingly fail to disclose facts, in an effort to obtain DACA or work authorization through this process, you will be treated as an immigration enforcement priority to the fullest extent permitted by law, and be subject to criminal prosecution and/or removal from the United States.

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D. After USCIS Makes a Decision

Q25: Can I appeal USCIS' determination?

A25: No. You cannot file a motion to reopen or reconsider, and cannot appeal the decision if USCIS denies your request for consideration of DACA.

You may request a review of your I-821D denial by contacting USCIS' National Customer Service Center at 1-800-375-5283 to have a service request created if you believe that you actually did meet all of the DACA guidelines and you believe that your request was denied because USCIS:

- Denied the request based on abandonment, when you actually responded to a Request for Evidence (RFE) or Notice of Intent to Deny (NOID) within the prescribed time;
- Mailed the RFE or NOID to the wrong address although you had changed your address online at www.uscis.gov or with a customer service representative on the phone and submitted a Form AR-11, Change of Address, before USCIS issued the RFE or NOID.
 - To ensure the address is updated on a pending case as quickly as possible, we recommend that customers submit a change of address request at www.uscis.gov/addresschange. Please note that only an online change of address or a Form AR-11 submission will satisfy the legal requirements for notifying the agency of an address change. Therefore, if you called a customer service representative to change your address, please be sure you have also submitted your address change online or with a Form AR-11.
- Denied the request on the grounds that you did not come to the United States prior to your 16th birthday, but the evidence submitted at the time of filing shows that you did arrive before reaching that age.
- Denied the request on the grounds that you were under age 15 at the time of filing but not in removal proceedings, while the evidence submitted at the time of filing shows that you indeed were in removal proceedings when the request was filed;
- Denied the request on the grounds that you were 31 or older as of June 15, 2012, but the evidence submitted at the time of filing shows that you were under the age of 31 as of June 15, 2012;
- Denied the request on the grounds that you had lawful status on June 15, 2012, but the evidence submitted at the time of filing shows that you indeed were in an unlawful immigration status on that date;
- Denied the request on the grounds that you were not physically present in the United States on June 15, 2012, and up through the date of filing, but the evidence submitted at the time of filing shows that you were, in fact, present;
- Denied the request due to your failure to appear at a USCIS Application Support Center (ASC) to have your biometrics collected, when you in fact either did appear at a USCIS ASC to have this done or requested prior to the scheduled date of your biometrics appointment to have the appointment rescheduled; or
- Denied the request because you did not pay the filing fees for Form I-765, Application for Employment Authorization, when you actually did pay these fees

If you believe your request was denied due to any of these administrative errors, you may contact our National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD for the hearing impaired). Customer service officers are available Monday – Friday from 8 a.m. – 6 p.m. in each U.S. time zone.

Q26: If USCIS does not exercise deferred action in my case, will I be placed in removal proceedings?

A26: If you have submitted a request for consideration of DACA and USCIS decides not to defer action in your case, USCIS will apply its policy guidance governing the referral of cases to ICE and the issuance of Notices to Appear (NTA). If your case does not involve a criminal offense, fraud, or a threat to national security or public safety, your case will not be referred to ICE for purposes of removal proceedings except where DHS determines there are exceptional circumstances. For more detailed information on the applicable NTA policy, visit www.uscis.gov/NTA. If after a review of the totality of circumstances USCIS determines to defer action in your case, USCIS will likewise exercise its discretion and will not issue you an NTA.

Q27: Can my deferred action under the DACA process be terminated before it expires?

A27: Yes.

DACA is an exercise of prosecutorial discretion and deferred action may be terminated at any time, with or without a Notice of Intent to Terminate, at DHS's discretion.

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II. Initial Requests for DACA

Q28: What guidelines must I meet to be considered for deferred action for childhood arrivals (DACA)?

A28: Under the Secretary of Homeland Security's June 15, 2012 memorandum, in order to be considered for DACA, you must submit evidence, including supporting documents, showing that you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
5. Had no lawful status on June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a General Educational Development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

These guidelines must be met for consideration of DACA. U.S. Citizenship and Immigration Services (USCIS) retains the ultimate discretion to determine whether deferred action is appropriate in any given case even if the guidelines are met.

Q29: How old must I be in order to be considered for deferred action under this process?

A29:

- If you have never been in removal proceedings, or your proceedings have been terminated before your request for consideration of DACA, you must be at least 15 years of age or older at the time of filing and meet the other guidelines.
- If you are in removal proceedings, have a final removal order, or have a voluntary departure order, and are not in immigration detention, you can request consideration of DACA even if you are under the age of 15 at the time of filing and meet the other guidelines.
- In all instances, you must have been under the age of 31 as of June 15, 2012, to be considered for DACA.

Q30: I first came to the United States before I turned 16 years old and have been continuously residing in the United States since at least June 15, 2007. Before I turned 16 years old, however, I left the United States for some period of time before returning and beginning my current period of continuous residence. May I be considered for deferred action under this process?

A30: Yes, but only if you established residence in the United States during the period before you turned 16 years old, as evidenced, for example, by records showing you attended school or worked in the United States during that time, or that you lived in the United States for multiple years during that time. In addition to establishing that you initially resided in the United States before you turned 16 years old, you must also have maintained continuous residence in the United States from June 15, 2007, until the present time to be considered for deferred action under this process.

Q31: To prove my continuous residence in the United States since June 15, 2007, must I provide evidence documenting my presence for every day, or every month, of that period?

A31: To meet the continuous residence guideline, you must submit documentation that shows you have been living in the United States from June 15, 2007, up until the time of your request. You should provide documentation to account for as much of the period as reasonably possible, but there is no requirement that every day or month of that period be specifically accounted for through direct evidence.

It is helpful to USCIS if you can submit evidence of your residence during at least each year of the period. USCIS will review the documentation in its totality to determine whether it is more likely than not that you were continuously residing in the United States for the period since June 15, 2007. Gaps in the documentation as to certain periods may raise doubts as to your continued residence if, for example, the gaps are lengthy or the record otherwise indicates that you may have been outside the United States for a period of time that was not brief, casual or innocent.

If gaps in your documentation raise questions, USCIS may issue a Request for Evidence to allow you to submit additional documentation that supports your claimed continuous residence.

Affidavits may be submitted to explain a gap in the documentation demonstrating that you meet the five-year continuous residence requirement. If you submit affidavits related to the continuous residence requirement, you must submit two or more affidavits, sworn to or affirmed by people other than yourself who have direct personal knowledge of the events and circumstances during the period as to which there is a gap in the documentation. Affidavits may only be used to explain gaps in your continuous residence; they cannot be used as evidence that you meet the entire five-year continuous residence requirement.

Q32: Does “currently in school” refer to the date on which the request for consideration of deferred action is filed?

A32: To be considered “currently in school” under the guidelines, you must be enrolled in school on the date you submit a request for consideration of deferred action under this process.

Q33: Who is considered to be “currently in school” under the guidelines?

A33: To be considered “currently in school” under the guidelines, you must be enrolled in:

- a public, private, or charter elementary school, junior high or middle school, high school, secondary school, alternative program, or homeschool program that meets state requirements;
- an education, literacy, or career training program (including vocational training) that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; or
- an education program assisting students either in obtaining a regular high school diploma or its recognized equivalent under state law (including a certificate of completion, certificate of attendance, or alternate award), or in passing a GED exam or other state-authorized exam (e.g., HiSet or TASC) in the United States.

Such education, literacy, career training programs (including vocational training), or education programs assisting students in obtaining a regular high school diploma or its recognized equivalent under state law, or in passing a GED exam or other state-authorized exam in the United States, include, but are not limited to, programs funded, in whole or in part, by federal, state, county or municipal grants or administered by non-profit organizations. Programs funded by other sources may qualify if they are programs of demonstrated effectiveness.

In assessing whether such programs not funded in whole or in part by federal, state, county or municipal grants or administered by non-profit organizations are of demonstrated effectiveness, USCIS will consider the duration of the program’s existence; the program’s track record in assisting students in obtaining a regular high school diploma or its recognized equivalent, in passing a GED or other state-authorized exam (e.g., HiSet or TASC), or in placing students in postsecondary education, job training, or employment; and other indicators of the program’s overall quality. For individuals seeking to demonstrate that they are “currently in school” through enrollment in such a program, the burden is on the requestor to show the

program's demonstrated effectiveness.

Q34: How do I establish that I am currently in school?

A34: Documentation sufficient for you to demonstrate that you are currently in school may include, but is not limited to:

- evidence that you are enrolled in a public, private, or charter elementary school, junior high or middle school, high school or secondary school; alternative program, or homeschool program that meets state requirements; or
- evidence that you are enrolled in an education, literacy, or career training program (including vocational training) that:
 - has a purpose of improving literacy, mathematics, or English, or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; and
 - is funded, in whole or in part, by federal, state, county or municipal grants or is administered by non-profit organizations, or if funded by other sources, is a program of demonstrated effectiveness; or
- evidence that you are enrolled in an education program assisting students in obtaining a high school equivalency diploma or certificate recognized under state law (such as by passing a GED exam or other such state-authorized exam [for example, HiSet or TASC]), and that the program is funded in whole or in part by federal, state, county or municipal grants or is administered by non-profit organizations or if funded by other sources, is of demonstrated effectiveness.

Such evidence of enrollment may include: acceptance letters, school registration cards, letters from a school or program, transcripts, report cards, or progress reports which may show the name of the school or program, date of enrollment, and current educational or grade level, if relevant.

Q35: What documentation may be sufficient to demonstrate that I have graduated from high school?

A35: Documentation sufficient for you to demonstrate that you have graduated from high school may include, but is not limited to, a high school diploma from a public or private high school or secondary school, a certificate of completion, a certificate of attendance, or an alternate award from a public or private high school or secondary school, or a recognized equivalent of a high school diploma under state law, or a GED certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC) in the United States.

Q36: What documentation may be sufficient to demonstrate that I have obtained a GED certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC)?

A36: Documentation may include, but is not limited to, evidence that you have passed a GED exam, or other state-authorized exam (e.g., HiSet or TASC), and, as a result, have received the recognized equivalent of a regular high school diploma under state law.

Q37: If I am enrolled in a literacy or career training program, can I meet the guidelines?

A37: Yes, in certain circumstances. You may meet the guidelines if you are enrolled in an education, literacy, or career training program that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement. Such programs include, but are not limited to, programs funded, in whole or in part, by federal, state, county or municipal grants or administered by non-profit organizations, or if funded by other sources, are programs of demonstrated effectiveness.

Q38: If I am enrolled in an English as a Second Language (ESL) program, can I meet the guidelines?

A38: Yes, in certain circumstances. Enrollment in an ESL program may be used to meet the guidelines if

the ESL program is funded in whole or in part by federal, state, county or municipal grants, or administered by non-profit organizations, or if funded by other sources is a program of demonstrated effectiveness. You must submit direct documentary evidence that the program is funded in whole or part by federal, state, county or municipal grants, administered by a non-profit organization, or of demonstrated effectiveness.

Q39: Will USCIS consider evidence other than that listed in Chart #1 to show that I have met the education guidelines?

A39: No. Evidence not listed in Chart #1 will not be accepted to establish that you are currently in school, have graduated or obtained a certificate of completion from high school, or have obtained a GED or passed another state-authorized exam (e.g., HiSet or TASC). You must submit any of the documentary evidence listed in Chart #1 to show that you meet the education guidelines.

Q40: Will USCIS consider evidence other than that listed in Chart #1 to show that I have met certain initial guidelines?

A40: Evidence other than those documents listed in Chart #1 may be used to establish the following guidelines and factual showings if available documentary evidence is insufficient or lacking and shows that:

- You were physically present in the United States on June 15, 2012;
- You came to the United States before reaching your 16th birthday;
- You satisfy the continuous residence requirement, as long as you present direct evidence of your continued residence in the United States for a portion of the required period and the circumstantial evidence is used only to fill in gaps in the length of continuous residence demonstrated by the direct evidence; and
- Any travel outside the United States during the period of required continuous presence was brief, casual, and innocent.

However, USCIS will not accept evidence other than the documents listed in Chart #1 as proof of any of the following guidelines to demonstrate that you:

- Were under the age of 31 on June 15, 2012; and
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a GED certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

For example, even if you do not have documentary proof of your presence in the United States on June 15, 2012, you may still be able to satisfy the guideline. You may do so by submitting credible documentary evidence that you were present in the United States shortly before and shortly after June 15, 2012, which, under the facts presented, may give rise to an inference of your presence on June 15, 2012 as well. However, evidence other than that listed in Chart #1 will not be accepted to establish that you have graduated high school. You must submit the designated documentary evidence to satisfy that you meet this guideline.

Chart #1 provides examples of documentation you may submit to demonstrate you meet the initial guidelines for consideration of deferred action under this process. Please see the instructions of [Form I-821D, Consideration of Deferred Action for Childhood Arrivals](#), for additional details of acceptable documentation.

Chart #1 Examples of Documents to Submit to Demonstrate You Meet the Guidelines

Chart #1 Examples of Documents to Submit to Demonstrate You Meet the Guidelines

Proof of identity	<ul style="list-style-type: none"> • Passport or national identity document from your country of origin • Birth certificate with photo identification • School or military ID with photo • Any U.S. government immigration or other document bearing your name and photo
Proof you came to U.S. before your 16th birthday	<ul style="list-style-type: none"> • Passport with admission stamp • Form I-94/I-95/I-94W • School records from the U.S. schools you have attended • Any Immigration and Naturalization Service or DHS document stating your date of entry (Form I-862, Notice to Appear) • Travel records • Hospital or medical records • Rent receipts or utility bills • Employment records (pay stubs, W-2 Forms, etc.) • Official records from a religious entity confirming participation in a religious ceremony • Copies of money order receipts for money sent in or out of the country • Birth certificates of children born in the U.S. • Dated bank transactions • Automobile license receipts or registration • Deeds, mortgages, rental agreement contracts • Tax receipts, insurance policies
Proof of immigration status	<ul style="list-style-type: none"> • Form I-94/I-95/I-94W with authorized stay expiration date • Final order of exclusion, deportation, or removal issued as of June 15, 2012 • A charging document placing you into removal proceedings
Proof of presence in U.S. on June 15, 2012	<ul style="list-style-type: none"> • Rent receipts or utility bills • Employment records (pay stubs, W-2 Forms, etc.) • School records (letters, report cards, etc.) • Military records (Form DD-214 or NGB Form 22) • Official records from a religious entity confirming participation in a religious ceremony • Copies of money order receipts for money sent in or out of the country • Passport entries • Birth certificates of children born in the U.S.

Chart #1 Examples of Documents to Submit to Demonstrate You Meet the Guidelines

<p>Proof you continuously resided in U.S. since June 15, 2007</p>	<ul style="list-style-type: none"> • Dated bank transactions • Automobile license receipts or registration • Deeds, mortgages, rental agreement contracts • Tax receipts, insurance policies
<p>Proof of your education status at the time of requesting consideration of DACA</p>	<ul style="list-style-type: none"> • School records (transcripts, report cards, etc.) from the school that you are currently attending in the United States showing the name(s) of the school(s) and periods of school attendance and the current educational or grade level • U.S. high school diploma, certificate of completion, or other alternate award • High school equivalency diploma or certificate recognized under state law • Evidence that you passed a state-authorized exam, including the GED or other state-authorized exam (for example, HiSet or TASC) in the United States
<p>Proof you are an honorably discharged veteran of the U.S. Armed Forces or the U.S. Coast Guard</p>	<ul style="list-style-type: none"> • Form DD-214, Certificate of Release or Discharge from Active Duty • NGB Form 22, National Guard Report of Separation and Record of Service • Military personnel records • Military health records

Q41: May I file affidavits as proof that I meet the initial guidelines for consideration of DACA?

A41: Affidavits generally will not be sufficient on their own to demonstrate that you meet the guidelines for USCIS to consider you for DACA. However, affidavits may be used to support meeting the following guidelines only if the documentary evidence available to you is insufficient or lacking:

- Demonstrating that you meet the five year continuous residence requirement; and
- Establishing that departures during the required period of continuous residence were brief, casual and innocent.

If you submit affidavits related to the above criteria, you must submit two or more affidavits, sworn to or affirmed by people other than yourself, who have direct personal knowledge of the events and circumstances. Should USCIS determine that the affidavits are insufficient to overcome the unavailability or the lack of documentary evidence with respect to either of these guidelines, it will issue a Request for Evidence, indicating that further evidence must be submitted to demonstrate that you meet these guidelines.

USCIS will not accept affidavits as proof of satisfying the following guidelines:

- You are currently in school, have graduated or obtained a certificate of completion or other alternate award from high school, have obtained a high school equivalency diploma or certificate (such as by passing the GED exam or other state-authorized exam [for example, HiSet or TASC]), or are an honorably discharged veteran from the Coast Guard or Armed Forces of the United States;
- You were physically present in the United States on June 15, 2012;

- You came to the United States before reaching your 16th birthday;
- You were under the age of 31 on June 15, 2012; and
- Your criminal history, if applicable.

If the only evidence you submit to demonstrate you meet any of the above guidelines is an affidavit, USCIS will issue a Request for Evidence, indicating that you have not demonstrated that you meet these guidelines and that you must do so in order to demonstrate that you meet that guideline.

Q42: Will I be considered to be in unlawful status if I had an application for asylum or cancellation of removal pending before either USCIS or the Executive Office for Immigration Review (EOIR) on June 15, 2012?

A42: Yes. If you had an application for asylum or cancellation of removal, or similar relief, pending before either USCIS or EOIR as of June 15, 2012, but had no lawful status, you may request consideration of DACA.

Q43: I was admitted for "duration of status" or for a period of time that extended past June 14, 2012, but violated my immigration status (e.g., by engaging in unauthorized employment, failing to report to my employer, or failing to pursue a full course of study) before June 15, 2012. May I be considered for deferred action under this process?

A43: No, unless the Executive Office for Immigration Review terminated your status by issuing a final order of removal against you before June 15, 2012.

Q44: I was admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of my dependent nonimmigrant status as of June 15, 2012. May I be considered for deferred action under this process?

A44: Yes. For purposes of satisfying the "had no lawful status on June 15, 2012," guideline alone, if you were admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of your dependent nonimmigrant status, on or before June 15, 2012, (meaning you turned 21 years old on or before June 15, 2012), you may be considered for deferred action under this process.

Q45: I was admitted for "duration of status" but my status in SEVIS is listed as terminated on or before June 15, 2012. May I be considered for deferred action under this process?

A45: Yes. For the purposes of satisfying the "had no lawful status on June 15, 2012," guideline alone, if your status as of June 15, 2012, is listed as "terminated" in SEVIS, you may be considered for deferred action under this process.

Q46: I am a Canadian citizen who was inspected by CBP but was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?

A46: In general, a Canadian citizen who was admitted as a visitor for business or pleasure and not issued an I-94, Arrival/Departure Record, (also known as a "non-controlled" Canadian nonimmigrant) is lawfully admitted for a period of six months. For that reason, unless there is evidence, including verifiable evidence provided by the individual, that he or she was specifically advised that his or her admission would be for a different length of time, the Department of Homeland Security (DHS) will consider for DACA purposes only, that the alien was lawfully admitted for a period of six months. Therefore, if DHS is able to verify from its records that your last non-controlled entry occurred on or before Dec. 14, 2011, DHS will consider your nonimmigrant visitor status to have expired as of June 15, 2012 and you may be considered for deferred action under this process.

Q47: I used my Border Crossing Card (BCC) to obtain admission to the United States and was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?

A47: Because the limitations on entry for a BCC holder vary based on location of admission and travel, DHS will assume that the BCC holder who was not provided an I-94 was admitted for the longest period

legally possible—30 days—unless the individual can demonstrate, through verifiable evidence, that he or she was specifically advised that his or her admission would be for a different length of time. Accordingly, if DHS is able to verify from its records that your last admission was using a BCC, you were not issued an I-94 at the time of admission, and it occurred on or before May 14, 2012, DHS will consider your nonimmigrant visitor status to have expired as of June 15, 2012, and you may be considered for deferred action under this process.

Q48: Do I accrue unlawful presence if I have a pending initial request for consideration of DACA?

A48: You will continue to accrue unlawful presence while the request for consideration of DACA is pending unless you are under 18 years of age at the time of the request. If you are under 18 years of age at the time you submit your request, you will not accrue unlawful presence while the request is pending, even if you turn 18 while your request is pending with USCIS. If action on your case is deferred, you will not accrue unlawful presence during the period of deferred action. However, having action deferred on your case will not excuse previously accrued unlawful presence.

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III. Renewal of DACA

Q49: When should I file my renewal request with U.S. Citizenship and Immigration Services (USCIS)?

A49: USCIS strongly encourages you to submit your Deferred Action for Childhood Arrivals (DACA) renewal request between 150 days and 120 days before the expiration date located on your current Form I-797 DACA approval notice and Employment Authorization Document (EAD). Filing during this window will minimize the possibility that your current period of DACA will expire before you receive a decision on your renewal request.

USCIS' current goal is to process DACA renewal requests within 120 days. You may submit an inquiry about the status of your renewal request after it has been pending more than 105 days. To submit an inquiry online, please visit egov.uscis.gov/e-request.

- **Please Note:** Factors that may affect the timely processing of your DACA renewal request include, but are not limited to:
 - Failure to appear at an Application Support Center (ASC) for a scheduled biometrics appointment to obtain fingerprints and photographs. No-shows or rescheduling appointments will require additional processing time.
 - Issues of national security, criminality or public safety discovered during the background check process that require further vetting.
 - Issues of travel abroad that need additional evidence/clarification.
 - Name/date of birth discrepancies that may require additional evidence/clarification.
 - The renewal submission was incomplete or contained evidence that suggests a requestor may not satisfy the DACA renewal guidelines and USCIS must send a request for additional evidence or explanation

Q50: Can I file a renewal request outside the recommended filing period of 150 days to 120 days before my current DACA expires?

A50: USCIS strongly encourages you to file your renewal request within the recommended 150-120 day filing period to minimize the possibility that your current period of DACA will expire before you receive a decision on your renewal request. Requests received earlier than 150 days in advance will be accepted; however, this could result in an overlap between your current DACA and your renewal. This means your renewal period may extend for less than a full two years from the date that your current DACA period expires..

If you file after the recommended filing period (meaning less than 120 days before your current period of DACA expires), there is an increased possibility that your current period of DACA and employment authorization will expire before you receive a decision on your renewal request. If you file after your most recent DACA period expired, but within one year of its expiration, you may submit a request to renew your DACA. If you are filing beyond one year after your most recent period of DACA expired, you may still request DACA by submitting a new initial request.

Q51: How will USCIS evaluate my request for renewal of DACA:

A51: You may be considered for renewal of DACA if you met the guidelines for consideration of Initial DACA (see above) AND you:

- Did not depart the United States on or after Aug. 15, 2012, without advance parole;
- Have continuously resided in the United States since you submitted your most recent request for DACA that was approved up to the present time; and
- Have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

These guidelines must be met for consideration of DACA renewal. USCIS retains the ultimate discretion to determine whether deferred action is appropriate in any given case even if the guidelines are met.

Q52 Do I accrue unlawful presence if I am seeking renewal and my previous period of DACA expires before I receive a renewal of deferred action under DACA? Similarly, what would happen to my work authorization?

A52: Yes, if your previous period of DACA expires before you receive a renewal of deferred action under DACA, you will accrue unlawful presence for any time between the periods of deferred action unless you are under 18 years of age at the time you submit your renewal request.

Similarly, if your previous period of DACA expires before you receive a renewal of deferred action under DACA, you will not be authorized to work in the United States regardless of your age at time of filing until and unless you receive a new employment authorization document from USCIS.

Q53. Do I need to provide additional documents when I request renewal of deferred action under DACA?

A53. No, unless you have *new* documents pertaining to removal proceedings or criminal history that you have not already submitted to USCIS in a previously approved DACA request. USCIS, however, reserves the authority to request at its discretion additional documents, information or statements relating to a DACA renewal request determination.

CAUTION: If you knowingly and willfully provide materially false information on Form I-821D, you will be committing a federal felony punishable by a fine, or imprisonment up to five years, or both, under 18 U.S.C. Section 1001. In addition, individuals may be placed into removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.

Q54. If I am no longer in school, can I still request to renew my DACA?

A54. Yes. Neither Form I-821D nor the instructions ask renewal requestors for information about continued school enrollment or graduation. The instructions for renewal requests specify that you may be considered for DACA renewal if you met the guidelines for consideration of initial DACA, including the educational guidelines and:

1. Did not depart the United States on or after August 15, 2012, without advance parole;
2. Have continuously resided in the United States, up to the present time, since you submitted your most recent request for DACA that was approved; and

3. Have not been convicted of a felony, a significant misdemeanor or three or more misdemeanors, and are not a threat to national security or public safety.

Q55: If I initially received DACA and was under the age of 31 on June 15, 2012, but have since become 31 or older, can I still request a DACA renewal?

A55: Yes. You may request consideration for a renewal of DACA as long as you were under the age of 31 as of June 15, 2012.

IV. Travel

Q56: May I travel outside of the United States before I submit an initial Deferred Action for Childhood Arrivals (DACA) request or while my initial DACA request remains pending with the Department of Homeland Security (DHS)?

A56: Any unauthorized travel outside of the United States on or after Aug. 15, 2012, will interrupt your continuous residence and you will not be considered for deferred action under this process. Any travel outside of the United States that occurred on or after June 15, 2007, but before Aug. 15, 2012, will be assessed by U.S. Citizenship and Immigration Services (USCIS) to determine whether the travel qualifies as brief, casual and innocent. (See Chart #2.)

CAUTION: You should be aware that if you have been ordered deported or removed, and you then leave the United States, your departure will likely result in your being considered deported or removed, with potentially serious future immigration consequences.

Q57: If my case is deferred under DACA, will I be able to travel outside of the United States?

A57: Not automatically. If USCIS has decided to defer action in your case and you want to travel outside the United States, you must apply for advance parole by filing a [Form I-131, Application for Travel Document](#) and paying the applicable fee (\$575). USCIS will determine whether your purpose for international travel is justifiable based on the circumstances you describe in your request. Generally, USCIS will only grant advance parole if your travel abroad will be in furtherance of:

- humanitarian purposes, including travel to obtain medical treatment, attending funeral services for a family member, or visiting an ailing relative;
- educational purposes, such as semester-abroad programs and academic research, or;
- employment purposes such as overseas assignments, interviews, conferences or, training, or meetings with clients overseas.

Travel for vacation is not a valid basis for advance parole.

You may not apply for advance parole unless and until USCIS defers action in your case under the consideration of DACA. You cannot apply for advance parole at the same time as you submit your request for consideration of DACA. All advance parole requests will be considered on a case-by-case basis.

If USCIS has deferred action in your case under the DACA process after you have been ordered deported or removed, you may still request advance parole if you meet the guidelines for advance parole described above.

CAUTION: However, for those individuals who have been ordered deported or removed, before you actually leave the United States, you should seek to reopen your case before the Executive Office for Immigration Review (EOIR) and obtain administrative closure or termination of your removal proceeding. Even after you have asked EOIR to reopen your case, you should not leave the United States until after EOIR has granted your request. If you depart after being ordered deported or removed, and your removal proceeding has not been reopened and administratively closed or terminated, your departure may result in your being considered deported or removed, with potentially serious future immigration consequences. If you have any questions about this process, you may contact U.S. Immigration and

Customs Enforcement (ICE) through the local ICE Office of the Chief Counsel with jurisdiction over your case.

CAUTION: If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

Q58: Do brief departures from the United States interrupt the continuous residence requirement?

A58: A brief, casual and innocent absence from the United States will not interrupt your continuous residence. If you were absent from the United States, your absence will be considered brief, casual and innocent if it was on or after June 15, 2007, and before Aug. 15, 2012, and:

1. The absence was short and reasonably calculated to accomplish the purpose for the absence;
2. The absence was not because of an order of exclusion, deportation or removal;
3. The absence was not because of an order of voluntary departure, or an administrative grant of voluntary departure before you were placed in exclusion, deportation or removal proceedings; and
4. The purpose of the absence and/or your actions while outside the United States were not contrary to law.

Once USCIS has approved your request for DACA, you may file [Form I-131](#), Application for Travel Document, to request advance parole to travel outside of the United States.

CAUTION: If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

Travel Guidelines (Chart #2)

Travel Dates	Type of Travel	Does It Affect Continuous Residence
On or after June 15, 2007, but before Aug. 15, 2012	Brief, casual and innocent	No
	For an extended time	Yes
	Because of an order of exclusion, deportation, voluntary departure, or removal	Yes
	To participate in criminal activity	Yes

Travel Dates	Type of Travel	Does It Affect Continuous Residence
On or after Aug. 15, 2012, and before you have requested deferred action	Any	Yes. You cannot apply for advance parole unless and until DHS has determined whether to defer action in your case and you cannot travel until you receive advance parole. In addition, if you have previously been ordered deported and removed and you depart the United States without taking additional steps to address your removal proceedings, your departure will likely result in your being considered deported or removed, with potentially serious future immigration consequences.
On or after Aug. 15, 2012, and after you have requested deferred action	Any	
On or after Aug. 15, 2012 and after receiving DACA	Any	It depends. If you travel after receiving advance parole, the travel will not interrupt your continuous residence. However, if you travel <i>without</i> receiving advance parole, the travel <i>will</i> interrupt your continuous residence.

Q59: May I file a request for advance parole concurrently with my DACA package?

A59: Concurrent filing of advance parole is not an option at this time. DHS is, however, reviewing its policy on concurrent filing of advance parole with a DACA request. In addition, DHS is also reviewing eligibility criteria for advance parole. If any changes to this policy are made, USCIS will update this FAQ and inform the public accordingly.

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V. Criminal Convictions

Q60: If I have a conviction for a felony offense, a significant misdemeanor offense, or multiple misdemeanors, can I receive an exercise of prosecutorial discretion under this new process?

A60: No. If you have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanor offenses not occurring on the same date and not arising out of the same act,

omission, or scheme of misconduct, you will not be considered for Deferred Action for Childhood Arrivals (DACA) except where the Department of Homeland Security (DHS) determines there are exceptional circumstances.

Q61: What offenses qualify as a felony?

A61: A felony is a federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year.

Q62: What offenses constitute a significant misdemeanor?

A62: For the purposes of this process, a significant misdemeanor is a misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less but greater than five days) and that meets the following criteria:

1. Regardless of the sentence imposed, is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; or,
2. If not an offense listed above, is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody, and therefore does not include a suspended sentence.

The time in custody does not include any time served beyond the sentence for the criminal offense based on a state or local law enforcement agency honoring a detainer issued by U.S. Immigration and Customs Enforcement (ICE). Notwithstanding the above, the decision whether to defer action in a particular case is an individualized, discretionary one that is made taking into account the totality of the circumstances. Therefore, the absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion. DHS retains the discretion to determine that an individual does not warrant deferred action on the basis of a single criminal offense for which the individual was sentenced to time in custody of 90 days or less.

Q63: What offenses constitute a non-significant misdemeanor?

A63: For purposes of this process, a non-significant misdemeanor is any misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less but greater than five days) and that meets the following criteria:

1. Is not an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; and
2. Is one for which the individual was sentenced to time in custody of 90 days or less. The time in custody does not include any time served beyond the sentence for the criminal offense based on a state or local law enforcement agency honoring a detainer issued by ICE.

Notwithstanding the above, the decision whether to defer action in a particular case is an individualized, discretionary one that is made taking into account the totality of the circumstances. Therefore, the absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion.

Q64: If I have a minor traffic offense, such as driving without a license, will it be considered a non-significant misdemeanor that counts towards the “three or more non-significant misdemeanors” making me unable to receive consideration for an exercise of prosecutorial discretion under this new process?

A64: A minor traffic offense will not be considered a misdemeanor for purposes of this process. However, your entire offense history can be considered along with other facts to determine whether, under the totality of the circumstances, you warrant an exercise of prosecutorial discretion.



For Immediate Release

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AHLA SUPPORTS DHS NOMINEE KIRSTJEN NIELSEN

Washington, D.C., September 29, 2017 – The American Hotel & Lodging Association today announced its support for the nomination of Kirstjen Nielsen to be the next Secretary of Homeland Security, and released the following statement:

“We believe Kirstjen Nielsen’s wealth of experience will allow her to effectively lead the Department of Homeland Security, an agency that is critical to both the safety of our nation and the success of the hotel industry. Ms. Nielsen has the ability to implement policies and a communications strategy that tells the international community that we are resolute in our fight against terrorism but still a welcoming destination for tourists and business travelers from around the world.

Ms. Nielsen has received endorsements from a large bipartisan group of former DHS officials, which we believe is strong evidence that she possesses the skills, knowledge and temperament to successfully champion the diverse priorities and initiatives housed within DHS. Further, we stand ready to help Ms. Nielsen as she seeks to effectively implement a balanced approach to travel and security policies.”

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About the American Hotel & Lodging Association

Serving the hospitality industry for more than a century, the American Hotel & Lodging Association (AHLA) is the sole national association representing all segments of the 8 million jobs the U.S. lodging industry supports, including hotel owners, REITs, chains, franchisees, management companies, independent properties, bed and breakfasts, state hotel associations, and industry suppliers. Headquartered in Washington, D.C., AHLA focuses on strategic advocacy, communications support, and educational resources for an industry that advances long-term career opportunities for employees, invests in local communities across the country and hosts more than one billion guests’ stays in American hotels every year. AHLA proudly represents a dynamic hotel industry of more than 54,000 properties that supports \$1.1 trillion in U.S. sales and generates nearly \$170 billion in taxes to local, state and federal governments. Learn more at www.AHLA.com.



Association of State Criminal Investigative Agencies

November 12, 2017

The Honorable Ron Johnson
Chairman
The Honorable Claire McCaskill
Ranking Member
Homeland Security and Governmental Affairs Committee
United States Senate
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill,

On behalf of the Association of State Criminal Investigative Agencies (ASCIA), I am writing in support of the nomination of Kirstjen Nielsen to be Secretary of the Department of Homeland Security (DHS). ASCIA is a professional association representing the lead statewide criminal investigative agencies in 47 states.

ASCIA members interact on a regular basis with DHS and its component agencies. We consider our relationship with those entities to be important to our ability to do our jobs on behalf of our states' citizens. We also understand that DHS components cannot accomplish many of their missions without strong relationships and partnerships with our agencies. In addition, the preparedness grants under the Federal Emergency Management Agency (FEMA) provide critical support for multi-jurisdictional and intergovernmental efforts to detect, prevent, and investigate many threats to the homeland including terrorism.

ASCIA's member agencies own and manage 39 designated state fusion centers and participate on the boards of directors of another 8 fusion centers. Our fusion centers are critical to our ability to analyze and share suspicious activity reports and other threat-related information with DHS and our other federal partners including the FBI. The direct and indirect support provided by DHS Intelligence & Analysis, FEMA, the Homeland Security Information Network (HSIN), and other components are essential to maintaining and growing our nationwide ability to detect, prevent, respond to, and investigate criminal, terrorist, and natural disaster events through the National Network of Fusion Centers.

Our executive board has had discussions with Ms. Nielsen and we believe she understands the importance of our partnerships. If she is confirmed by the Senate we are committed to working with her and her team at DHS to strengthen our working relationships. Please reach out to me directly or to ASCIA's Executive Director, Bob McConnell, at executive.director@ascia.org if you have questions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Gwyn'.

Mark Gwyn
President, ASCIA
Director
Tennessee Bureau of Investigation

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"Courteous Vigilance"

DOUGLAS A. DUCEY FRANK L. MILSTEAD
Governor Director

October 31, 2017

Senator Ron Johnson
Chairman
Senate Homeland Security & Government Affairs Committee
340 Dirksen Senate Office Building
Washington, DC, 20510

Senator Johnson:

As the Chairman of the Homeland Security and Government Affairs Committee, I realize that you are keenly aware of the numerous threats facing our country and the importance of ensuring the safety of our citizens and the protection of our homeland. As the Director of the Arizona Department of Public Safety and leader of a state police agency in a state sharing our southern border with Mexico, I understand the threats to our nation are vast and constantly changing. These threats require a dynamic leader knowledgeable of the problems we face, making Kristjen Nielsen an exceptional fit to serve as the Secretary for the Department of Homeland Security (DHS).

As Chief of Staff for the Department of Homeland Security serving under Secretary John Kelly, Ms. Nielsen has firsthand experience of DHS operations, working on complex issues from controlling our borders, to preparing for disasters, to protecting aviation security. Ms. Nielsen's prior experience has prepared her to lead DHS, including her role in developing transportation security policy for the Transportation Security Administration after the September 11th attacks. Additionally, as Special Assistant to President Bush for Homeland Security and Senior Director for Prevention, Preparedness and Response, Ms. Nielsen gained knowledge of protecting critical infrastructure and key resources, information sharing, counterterrorism, and cyber security.

The number one priority is the safety and security of our citizens and I am confident that Ms. Nielsen's background will prove to be an asset leading these efforts as Secretary of Homeland Security.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Milstead".

Frank Milstead
Arizona Department of Public Safety, Colonel
Alliance to Combat Transnational Threats Arizona, Chairman

Center for Cyber
& Homeland Security
THE GEORGE WASHINGTON UNIVERSITY

November 6, 2017

The Honorable Ron Johnson, Chairman
The Honorable Claire McCaskill, Ranking Member
U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill:

I write to wholeheartedly support the nomination of Kirstjen Nielsen for the position of Secretary of Homeland Security. While I have known Kirstjen for over 15 years, I write from the standpoint of her cyber-related work, conducted while she served as a Senior Fellow with my Center for Cyber & Homeland Security at George Washington University.

Kirstjen possesses true subject matter expertise on all things cyber. Indeed, she was a practitioner and proponent of resilience – especially cyber resilience – long before the concepts were front and center as they are today.

In addition to being extremely well versed on the substance of the issues, Kirstjen also possesses the rare – but critically important – ability to translate theory into practice. On the one hand, she can go toe to toe with intelligence analysts or understand the forensics of a CERT incident response. On the other hand, and at the same time, she can also take a step back and explain – articulately and forcefully – why it matters.

Kirstjen is both thoughtful and strong and has complete grasp of the cyber priorities across government and the significance of public-private partnerships to improve our national posture. She also has a wealth of international experience, garnered through her work with the World Economic Forum. Her skills and expertise will translate well and let her hit the ground running.

For all these reasons, I urge you to confirm Kirstjen Nielsen for the position of Secretary of Homeland Security. Thank you very much for your consideration.

Respectfully,



Frank J. Cilluffo
Director,
Center for Cyber and Homeland Security

GW Center for Cyber and Homeland Security
2000 Pennsylvania Avenue, NW, Suite 2210 • Washington, DC 20052
Tel: 202-994-2437 • E-Mail: cchs@gwu.edu
<http://cchs.gwu.edu>

November 8, 2017

The Honorable Ron Johnson
Chairman
Senate Committee on Homeland Security & Governmental Affairs
United States Senate
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member
Senate Committee on Homeland Security & Governmental Affairs
United States Senate
Washington, DC 20510

Re: Nomination of Kirstjen Nielsen to be Secretary of Homeland Security

Dear Chairman Johnson and Ranking Member McCaskill:

We write today in support of the nomination of Kirstjen Nielsen to serve as Secretary of Homeland Security. We are all former senior government officials with cybersecurity experience in administrations of different parties or on Capitol Hill. We believe that Kirstjen is a strong choice to lead the Department of Homeland Security at a time of growing threats to our nation, particularly in cyberspace.

The Department has been assigned a critically important role in protecting our nation from cybersecurity threats through its coordination responsibility for preparedness and response on cyber incidents, its support for the protection of federal civilian systems, and its role in working with private industry, particularly critical infrastructure owners and operators. This is a weighty responsibility, to be sure, and with the growing threat to our nation presented by increasingly aggressive nation-states targeting both our economic and political systems, as well as our national security infrastructure, and the increasing pace of attacks from criminal groups and hacktivists, we believe it is wise to put someone like Kirstjen, with cybersecurity experience in both the public and private sectors, in the leadership of the Department.

Kirstjen's experience in the Bush Administration, having led some of the initial efforts on cybersecurity matters on the White House's Homeland Security Council, when combined with her work advising private sector companies and advising DHS under President Obama, as well as Kirstjen's more recent service as the Chair of the World Economic Forum's Global Agenda Council on Risk and Resilience and as a Senior Fellow at George Washington University's Center for Cyber and Homeland Security, demonstrates her understanding of this important space and the linkages between cybersecurity matters and other key risk areas for our nation. These positions also demonstrate bipartisan recognition of Kirstjen's cyber expertise.

And Kirstjen's most recent experience at the Department of Homeland Security as Chief of Staff to then-Secretary John Kelly, as well as her prior experience at the Transportation Security Administration, will serve her well in her effort to lead a massive federal agency with

The Honorable Ron Johnson
The Honorable Claire McCaskill
November 8, 2017
Page 2

wide ranging responsibilities. All this is to say that we think Kirstjen is well qualified to serve in this important national security position, and that if she is confirmed by the full Senate, she would lead the Department of Homeland Security with honor and distinction.

Thank you for the opportunity to write to you today and we look forward to answering any questions you may have.

Sincerely,

Gen. (ret.) Keith B. Alexander
Former Director, National Security Agency and Founding Commander, U.S. Cyber Command

J. Michael Allen
Former Special Assistant to the President and Senior Director for Counter-Proliferation Strategy,
National Security Council, The White House

Stewart Baker
Former Assistant Secretary for Policy, Department of Homeland Security

Andrew Borene
Former Associate Deputy General Counsel, Department of Defense

Megan Brown
Former Counsel to the Attorney General, Department of Justice

Jason Chipman
Former Senior Counsel to the Deputy Attorney General, Department of Justice

Frank Cilluffo
Former Special Assistant to the President for Homeland Security, The White House

Gus Coldebella
Former Acting General Counsel, Department of Homeland Security

Jacob W. Crisp
Former Deputy Staff Director for National Security, House Homeland Security Committee

J. Michael Daniel
Former Special Assistant to the President and Cybersecurity Coordinator, National Security
Council, The White House

The Honorable Ron Johnson
The Honorable Claire McCaskill
November 8, 2017
Page 3

Dr. Thomas J. Donahue
Former Senior Director for Cyber Operations, National Security Council, The White House

Karen S. Evans
Former Administrator, E-Government and Information Technology, Office of Management and Budget, The White House

Michael Geffroy
Former General Counsel, Senate Select Committee on Intelligence

Ryan Gillis
Former Director of Cybersecurity Policy and Legislative Affairs, National Security Council, The White House

Gen. (ret.) Michael V. Hayden
Former Director, Central Intelligence Agency

Jason Healey
Former Director of Cyber Infrastructure Protection, Homeland Security Council, The White House

Matthew Heiman
Former Attorney-Advisor, National Security Division, Department of Justice

Jamil N. Jaffer
Former Associate Counsel to the President, Office of the Counsel to the President, The White House

Frank R. Jimenez
Former General Counsel of the Navy, Department of Defense

Clete D. Johnson
Former Senior Cybersecurity Adviser to the Secretary, Department of Commerce

Ely Kahn
Former Director for Cybersecurity, National Security Council, The White House

Andy Keiser
Former Senior Advisor, House Permanent Select Committee on Intelligence

Mitchell S. Kominsky
Cybersecurity & Technology Policy Counsel, Senate Republican Policy Committee

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The Honorable Claire McCaskill
November 8, 2017
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Andrew Levy
Former Deputy General Counsel, Department of Homeland Security

John Lipsey
Former Deputy Chief Counsel, Senate Committee on Foreign Relations

John Maguire
Former Professional Staff Member, Senate Select Committee on Intelligence

Matthew McCabe
Former Senior Counsel, House Committee on Homeland Security

Ellen McCarthy
Former Chief Operating Officer, National Geospatial-Intelligence Agency

Mike McConnell
Former Director of National Intelligence

Coleman Mehta
Former Director of Legislative Affairs, National Security Council, The White House

Jenny Menna
Former Director, Stakeholder Engagement and Cyber Infrastructure Resilience Division,
Department of Homeland Security

Michael Mukasey
Former Attorney General of the United States

Rick "Ozzie" Nelson
Former Director, Office of Combatting Terrorism, National Security Council, The White House

Matthew G. Olsen
Former Director, National Counterterrorism Center

Chris Painter
Former Coordinator for Cyber Issues, State Department

Ben Powell
Former General Counsel, Office of the Director of National Intelligence

Philip Reitingger
Former Deputy Under Secretary, National Protection and Programs Directorate, and Former
Director, National Cyber Security Center, Department of Homeland Security

The Honorable Ron Johnson
The Honorable Claire McCaskill
November 8, 2017
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Diane Rinaldo
Former Cybersecurity Advisor, House Permanent Select Committee on Intelligence

W. Price Roe
Former Counselor to the Secretary, Department of Homeland Security

Marcus H. Sachs
Former Director for Communication Infrastructure Protection, Office of Cyberspace Security,
National Security Council, The White House

Ari Schwartz
Former Special Assistant to the President for Cybersecurity, National Security Council, The
White House

Marie O'Neill Sciarrone
Former Special Assistant to the President for Homeland Security and Senior Director for
Cybersecurity and Information Sharing Policy, Homeland Security Council, The White House

Kristen Silverberg
Former U.S. Ambassador to the European Union

Megan Stifel
Former Director for International Cyber Policy, National Security Council, The White House

Hugo Teufel III
Former Chief Privacy Officer, Department of Homeland Security

David Trulio
Former Special Assistant to the President and Executive Secretary, Homeland Security Council,
The White House

Kenneth L. Wainstein
Former Assistant to the President for Homeland Security and Counterterrorism, The White
House

Michael G. Waltz
Former Special Advisor to the Vice President for South Asia and Counterterrorism, Office of the
Vice President, The White House

Julie Myers Wood
Former Assistant Secretary for Homeland Security, Department of Homeland Security

The Honorable Ron Johnson
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November 8, 2017
Page 6

Amit Yoran
Former Founding Director United States Computer Emergency Readiness Team (US-CERT),
Department of Homeland Security

Juan Zarate
Former Deputy Assistant to the President and Deputy National Security Advisor for Combating
Terrorism, National Security Council, The White House

November 7, 2017

The Honorable Ron Johnson
Chairman
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill,

As a bipartisan group of 43 former senior officials who served at or worked closely with the Department of Homeland Security, we write enthusiastically in support of the nomination of Kirstjen Nielsen to be the 6th Secretary of Homeland Security. We urge the Committee on Homeland Security and Governmental Affairs and the full Senate to act on her nomination quickly to provide DHS, and the nation, with the full extent of Ms. Nielsen's expertise and judgment.

Ms. Nielsen will bring a wealth of substantive expertise to the department, particularly in the vital areas of cybersecurity, disaster response, and transportation security. As we have seen in recent weeks and months, DHS must be prepared to respond to a wide variety of crises, both man-made and natural. Ms. Nielsen has a proven record of leadership, good judgment, and work ethic to guide the department's efforts to secure the nation's borders, respond to ongoing and future natural calamities, and facilitate trade and travel vital to our nation's economy.

DHS is a large organization of over 200,000 employees, numerous component agencies, and a myriad of responsibilities from life-saving maritime operations to bolstering infrastructure security to detecting threats to agriculture. We have admired Ms. Nielsen's management skills at DHS, the White House, and in private business, and believe she is well-respected by the career workforce at DHS and its components.

We also note that confirming Ms. Nielsen will provide DHS with continuity after the short but promising tenure of General John Kelly as Secretary, which has been followed by the capable stewardship of Acting Secretary Elaine Duke. As Chief of Staff, Ms. Nielsen was intimately involved in departmental planning and in interactions with foreign governments, other federal agencies, and private sector stakeholders. While well-intentioned, previous new DHS Secretaries often have brought in fresh leadership teams, reorganized the department, and implemented new priorities. We believe that during this early stage of the new administration, a smooth transition between Secretaries is critical to the department's success.

DHS's missions are a complicated and often divisive set of responsibilities, and we recognize that reasonable people may disagree about issues around immigration enforcement, law enforcement programs, the intersection of security and privacy, and other aspects of DHS's work. However, we are united in agreement that Kirstjen Nielsen will be an excellent Secretary, and we urge the Senate to confirm her as soon as possible.

Sincerely,

Jayson Ahern, Former Acting Commissioner, U.S. Customs and Border Protection

W. Ross Ashley, III, Former Assistant Administrator, Federal Emergency Management Agency

Tom Atkin, Former Acting Assistant Secretary of Defense for Homeland Defense and Global Security, Department of Defense

Douglas Baker, Former Special Assistant to the President for Homeland Security and Senior Director for Border and Transportation Security, Homeland Security Council

Stewart Baker, Former Assistant Secretary for Policy, Department of Homeland Security

Ralph Basham, Former Commissioner, U.S. Customs and Border Protection

Randy Beardsworth, Former Assistant Secretary for Strategic Planning, Department of Homeland Security

Alan Bersin, Former Acting Commissioner, U.S. Customs and Border Protection

Robert Bonner, Former Commissioner, U.S. Customs and Border Protection

Michael Bopp, Former Associate Director, Office of Management and Budget

Frank Cilluffo, Former Special Assistant to the President for Homeland Security

Alan Cohn, Former Assistant Secretary for Strategy, Planning, Analysis & Risk, Department of Homeland Security

Gus P. Coldebella, Former Acting General Counsel, Department of Homeland Security

Elaine Dezenski, Former Assistant Secretary for Policy Development, Department of Homeland Security

William Flynn, Former Principal Deputy Assistant Secretary for Infrastructure Protection, Department of Homeland Security

Christopher J. Furlow, Former Executive Director, Homeland Security Advisory Council, Department of Homeland Security

Marc Frey, Former Chief of Staff, Office of Policy Development, Department of Homeland Security

Brian Goebel, Former Counselor and Senior Policy Advisor, U.S. Customs and Border Protection

Leslie Gross-Davis, Former Deputy Assistant Secretary for Legislative Affairs, Department of Homeland Security

David Heyman, Former Assistant Secretary for Policy, Department of Homeland Security

Adam Isles, Former Deputy Chief of Staff, Department of Homeland Security

Michael Jackson, Former Deputy Secretary, Department of Homeland Security

Donald H. Kent, Jr., Former Assistant Secretary for Legislative Affairs, Department of Homeland Security

Andrew J.P. Levy, Former Deputy General Counsel, Department of Homeland Security

Admiral James Loy, Former Deputy Secretary, Department of Homeland Security

Jane Holl Lute, Former Deputy Secretary, Department of Homeland Security

Alejandro N. Mayorkas, Former Deputy Secretary, Department of Homeland Security

Michael Mullen, Former Assistant Commissioner for International Affairs and Trade Relations, U.S. Customs and Border Protection

Michael Neifach, Former Principal Legal Advisor, U.S. Immigration and Customs Enforcement

John Pistole, Former Administrator, Transportation Security Administration

Leon Rodriguez, Former Director, U.S. Citizenship and Immigration Services

W. Price Roe, Former Counselor to the Secretary, Department of Homeland Security

Paul Rosenzweig, Former Deputy Assistant Secretary for Policy, Department of Homeland Security

Seth Stodder, Former Assistant Secretary for Border, Immigration & Trade Policy, Department of Homeland Security

Chad Sweet, Former Chief of Staff, Department of Homeland Security

Robert Silvers, Former Assistant Secretary for Cyber Policy, Department of Homeland Security

Michael Stroud, Former Deputy Assistant Secretary for Legislative Affairs, Department of Homeland Security

Pam Turner, Former Assistant Secretary for Legislative Affairs, Department of Homeland Security

C. Stewart Verdery, Jr., Former Assistant Secretary for Border and Transportation Security Policy and Planning, Department of Homeland Security

Joe D. Whitley, Former General Counsel, Department of Homeland Security

Thomas Winkowski, Former Acting Commissioner, U.S. Customs and Border Protection

Julie Myers Wood, Former Assistant Secretary, U.S. Immigration and Customs Enforcement

Michael Yeager, Former Assistant Commissioner for Congressional Affairs, U.S. Customs and Border Protection

November 7, 2017

Honorable Ron Johnson
Chairman
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Honorable Claire McCaskill
Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Johnson and McCaskill:

The undersigned have a long history of bipartisan involvement in national security matters and the Department of Homeland Security. We write in our personal capacities as former officials and engaged citizens – and not on behalf of our current employers -- to support enthusiastically the nomination of Kirstjen Nielsen to be Secretary of Homeland Security. We hope that the Committee on Homeland Security and Governmental Affairs and the full Senate act quickly and in a bipartisan fashion to confirm her in that position.

Ms. Nielsen is a homeland security expert with a deep understanding in cybersecurity, and her nomination represents a new stage in the maturing of the Department of Homeland Security. If confirmed, she will be the first Secretary of Homeland Security to have served in the Department earlier in her career and the first to have made cybersecurity a major part of her government and private career. She also has deep experience in disaster response, especially important at a time when the country is dealing with the serious effects and threats of natural disasters. She will bring unique expertise to the position at a time when the Department has been asked to do more and more for the nation's security and resilience.

Given her extensive homeland security and interagency experience, Ms. Nielsen will be ready for the job on day one. She is a thoughtful leader with good judgment and a willingness to work as hard as necessary to get the job done. She has the ability to handle the broad spectrum of threats to our nation that the Department must address – including natural disasters, cyberattacks, and terrorism. At DHS, the White House, and in private business, she has demonstrated the ability to manage a large and diverse agency with many legitimate and sometimes competing missions, from life-saving Coast Guard operations to bolstering computer defenses to detecting threats to agriculture. As Chief of Staff at the Department, Ms. Nielsen was exposed to all of the

issues that came to then-Secretary John Kelly and worked closely with now Acting Secretary Elaine Duke.

DHS's missions are diverse, and not everyone agrees about issues such as immigration enforcement or the balance between security and privacy. Regardless of policy positions, we all agree that Kirstjen Nielsen will be an excellent Secretary, and one that will serve the nation well and reflects well on the administration in which she will serve. We urge the Senate to confirm her as soon as possible.

Sincerely,

Gen. (Ret) Keith Alexander
Former Director, National Security Agency
President & CEO, IronNet Cybersecurity,
Inc.

Charles E. Allen
Former Under Secretary for Intelligence
and Analysis
Department of Homeland Security

Stewart Baker
Former Assistant Secretary for Policy
Department of Homeland Security

Richard Ben-Veniste
Former member 9/11 Commission
Former Ass't Watergate Prosecutor
Former Ass't US Attorney, SDNY

William J. Bratton
Vice Chairman, Homeland Security
Advisory Council

P.J. Crowley
Former Assistant Secretary of State

Clark K. Ervin
Former Inspector General of the
Departments of Homeland Security and
State

General Michael V Hayden, USAF (retired)
Former Director, NSA and CIA

James M. Loy
ADM, U.S. Coast Guard, (Ret)
Commandant, USCG (1998-2002)
TSA Administrator, (2002-2003)
Deputy Secretary, DHS, (2003-2005)

John McLaughlin
Former Deputy Director and Acting Director
CIA, currently Johns Hopkins University

Matthew G. Olsen
Former Director, National Counterterrorism
Center

Admiral Eric T Olson
U.S. Navy (Retired)
Former Commander, United States Special
Operations Command

John Pistole
Former Administrator, TSA (2010-2014)
Former Deputy Director, FBI (2004-2010)
President, Anderson University

Daniel B. Prieto
Former Director for Cybersecurity Policy,
National Security Council
Former Chief Technology Officer
Office of the CIO, DOD

Suzanne E. Spaulding
Former Undersecretary, National
Protection and Programs Directorate, DHS

Guy C. Swan III
Lieutenant General, USA, Ret.
Former Commanding General, U.S. Army
North (Fifth Army)

Dr. Starnes Walker
Founding Director-UD Cybersecurity
Initiative
Former Director of Research-DHS/
Executive Director-Office of Naval
Research/CTO-U.S. Fleet Cyber Command

William H. Webster
Former Director, Federal Bureau of
Investigation Former Director, Central
Intelligence Agency

Evan D. Wolff

Juan C. Zarate
Former Deputy Assistant to the President
and Deputy National Security Advisor for
Combating Terrorism
Former Assistant Secretary of the Treasury
for Terrorist Financing and Financial Crimes



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October 26, 2017

The Honorable Ron Johnson
Chairman
Senate Homeland Security and Governmental Affairs Committee
Washington, DC 20510

Senator Claire McCaskill
Ranking Member
Senate Homeland Security and Governmental Affairs Committee
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill:

I am writing on behalf of the Global Business Travel Association in support of Ms. Kirstjen Nielsen to be the next Secretary of the Department of Homeland Security (DHS). Ms. Nielsen would be the first confirmed Secretary to have previously served at DHS. Her experience and record make her an ideal choice to be the next Secretary and I urge the Senate to expeditiously confirm her appointment.

The Global Business Travel Association (GBTA) is the world's premier business travel and meetings trade organization headquartered in the Washington, D.C. area with operations on six continents. GBTA's 9,000-plus members manage more than \$345 billion of global business travel and meetings expenditures annually. GBTA and the GBTA Foundation deliver world-class education, events, research, advocacy and media to a growing global network of more than 28,000 travel professionals and 125,000 active contacts.

The Transportation Security Administration (TSA) plays a vital role in travel facilitation for the business travel community. Having previously served in the Offices of Legislative Policy and Government Affairs at TSA, Ms. Nielsen's experience and leadership is critical to expanding initiatives such as PreCheck expansion of importance to the business travel community. Not only does Ms. Nielsen have the right resume, but her experience at DHS, having most recently served as the Chief of Staff to the Secretary, ensures that any transition would be seamless.

I urge the Senate to confirm Ms. Nielsen as the next Secretary of the Department of Homeland Security and look forward to working with her and the Department on business travel friendly initiatives and policies.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. McCormick".

Michael W. McCormick, Executive Director & COO
Global Business Travel Association

319

Stanford, California
Friday, November 3, 2017

Senator Ron Johnson, Chairman
Senator Claire McCaskill, Ranking Member
U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

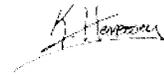
Dear Chairman Johnson and Senator McCaskill,

I write in support of Kirstjen Nielsen, President Trump's nominee for Secretary of Homeland Security. I worked with her in the Bush White House and think she is the best candidate for the job.

Ms. Nielsen worked on the Homeland Security Council staff when I worked on the National Economic Council staff. She was a skilled, effective professional who delivered results and could make cumbersome bureaucracies move. Some Cabinet secretaries play mostly public-facing roles, acting as the face and voice of the department while others do the inside management and policy work. While I think she can be an effective communicator, I support Kirstjen primarily because I know she will be a hands-on leader, driving policy (and the bureaucracies) forward to produce results. She has expertise in cyber policy and natural disasters, two important priorities for the department. She has the trust and confidence of the President's Chief of Staff, and her stint as John Kelly's White House deputy means she knows the President and the senior White House staff, increasing her effectiveness when she moves over to lead the department. General Kelly has General McMaster at NSC, General Mattis at Defense, Secretary Tillerson at State, Directors Pompeo and Coats on intel, and he will have Ms. Nielsen at Homeland. That's a solid and stable team that gives me confidence. In this dangerous world and with an unpredictable and sometimes volatile Commander-in-Chief, I want to have confidence in his national security team.

Ms. Nielsen's confirmation will further increase that confidence, and I urge the Senate to quickly confirm her as Secretary of Homeland Security.

Sincerely,



Keith Hennessey

Att: Laura Kilbride, Clerk



INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

Providing leadership for the fire and emergency services since 1873
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November 6, 2017

The Honorable Ron Johnson
 Chairman
 Committee on Homeland Security
 and Governmental Affairs
 United States Senate
 Washington, DC 20510

The Honorable Claire McCaskill
 Ranking Member
 Committee on Homeland Security
 and Governmental Affairs
 United States Senate
 Washington, DC 20510

Dear Chairman Johnson and Senator McCaskill:

On behalf of the approximately 12,000 leaders of the fire and emergency service, the International Association of Fire Chiefs endorses Ms. Kirstjen Nielsen's nomination for Secretary of Homeland Security. Ms. Nielsen is a well-known expert in homeland security policy with experience in preparedness and response issues. The IAFC believes that Ms. Nielsen is well-qualified to serve as the nation's Secretary of Homeland Security.

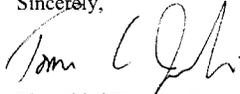
Ms. Nielsen brings a depth of experience to the position of Secretary of Homeland Security. She helped to stand up the Transportation Security Administration, and later served as the Special Assistant to the President for Prevention, Preparedness and Response on the Homeland Security Council (HSC) during the George W. Bush Administration. In her position at the HSC, Ms. Nielsen coordinated and oversaw federal homeland security efforts, and developed Presidential homeland security policies on issues, including public alert and warning; development of the information sharing environment; and responding to improvised explosive devices. After the Bush Administration, Ms. Nielsen served as a senior fellow with the The George Washington University's Center for Cyber and Homeland Security, which is one of the nation's leading homeland security think tanks. In the new Administration, she served as chief of staff at the U.S. Department of Homeland Security and the principal deputy chief of staff for President Trump.

Based on her experience at the HSC, Ms. Nielsen understands the important relationship between federal, state, local, tribal, and territorial (SLTT) governments. She has discussed the importance of information sharing between federal and local partners to help communities prepare for possible terror threats. She also understands the important role that federal grants play in helping local jurisdictions maintain the technology, training and staffing required to have an effective response to an act of terror. In addition, Ms. Nielsen would widely disseminate both positive and negative lessons learned from past incidents and exercises with homeland security stakeholders to improve preparedness and response.

The IAFC thanks the committee for scheduling Ms. Nielsen's confirmation hearing on November 8. The Secretary of Homeland Security is a key national security position and we believe that Ms. Nielsen is an excellent nominee to serve in that position. We look forward to working with you to ensure her confirmation by the full Senate in a timely manner.

Thank you again for your support for America's fire and emergency service!

Sincerely,

A handwritten signature in black ink, appearing to read "Tom C. Jenkins". The signature is written in a cursive, slightly slanted style.

Fire Chief Thomas C. Jenkins V
President and Chairman of the Board

: kl



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Charles Koo
 Iris ID Systems, Inc.

John Schneider
 Qualcomm

Management Group

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 202.289.7097

November 6, 2017

The Honorable Ron Johnson
 Chairman
 Senate Committee on Homeland Security and Governmental Affairs
 340 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Claire McCaskill
 Ranking Member
 Senate Committee on Homeland Security and Governmental Affairs
 340 Dirksen Senate Office Building
 Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill:

On behalf of the International Biometrics + Identity Association, it is our great pleasure to write in support of the nomination of Kirstjen Nielsen to be the Secretary of Homeland Security. As a group committed to homeland security issues, we believe Ms. Nielsen is well-qualified to lead Department of Homeland Security (DHS).

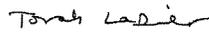
Ms. Nielsen is an internationally recognized homeland security expert, with extensive work in cybersecurity, emergency management, and combatting terrorism. In the face of increasingly sophisticated and constantly evolving threats, a cyber expert at the helm of DHS is an invaluable asset to our national security. She has experience in both the public and private sectors and is well equipped to continue building public-private partnerships to advance the missions of DHS.

Ms. Nielsen is also deeply familiar with the other missions of DHS. As then-Secretary Kelly's chief of staff, Ms. Nielsen played a major role in departmental planning. She built close relationships with senior DHS officials and rank and file employees alike, and has a wealth of operational knowledge. If confirmed, she will be the first Department employee to rise to the rank of Secretary – a true testament to her distinguished record.

Ms. Nielsen is uniquely qualified to lead DHS at such a critical time. We respectfully urge the Committee on Homeland Security and Governmental Affairs and the full Senate move swiftly to confirm Ms. Nielsen as the sixth Secretary of Homeland Security.

About IBIA - IBIA advances the adoption and responsible use of technology-based identification solutions to enhance identity security and privacy and to facilitate convenience and productivity for government, business and consumers. For more information, please visit our website: ibia.org.

Sincerely,



Tovah LaDier
Managing Director

Honorable Ronald Johnson
Chairman, Homeland Security & Governmental Affairs
Committee
U.S. Senate, Washington, DC

November 8, 2017

Dear Chairman Johnson,

It is with the utmost regret that I am unable to appear before the Committee in person to express my unconditional support for Kirstjen M. Nielsen as the next Secretary of Homeland Security. For more than two decades, Kirstjen's devotion to duty and service to our country, coupled with her unparalleled resume, have prepared her to be the leader of a department that keeps the American people safe.

In the wake of the tragic events of 9/11, Kirstjen served at the newly formed Transportation Security Administration, where she helped develop operational strategies and policies that remain in effect today. Subsequently, Kirstjen served as a Special Assistant to President George W. Bush on the staff of the Homeland Security Council. Her expertise was instrumental in securing our nation through the formation of the Department of Homeland Security and in developing the foundational policies and strategies that govern the homeland security enterprise today.

After I was asked to serve as the Secretary of Homeland Security, Kirstjen volunteered her time and efforts to help me through my own confirmation process. As I realized how talented and intimately familiar she was with the Department, I knew her expertise would be essential to its success. I asked her to once again serve the country as my Chief of Staff, and she selflessly divested herself of the successful consulting security firm she founded.

While overseeing one of the largest departments in the federal government as its Chief of Staff, Kirstjen tackled the most ambitious agenda since its inception. She was instrumental in achieving historically low illegal border crossings and a renewed dedication to updating and preserving the frameworks that keep our country safe from those who wish us harm. If confirmed, Kirstjen will be the first Secretary in the history of DHS to have previously served within the Department.

When President Trump asked me to leave DHS and serve as his Chief of Staff, I asked Kirstjen to serve as the Principal Deputy Chief of Staff at the White House. She has been invaluable in furthering the President's agenda, and she once again proved her ability to lead in one of the most demanding roles in government.

You have read of her accomplishments and her polished resume. You have heard the accolades of her success and devotion to duty. What truly sets Kirstjen apart is her integrity, sense of service to our nation, and

dedication to the men and women who risk their lives serving our great country every day. She is undoubtedly qualified to serve as the next Secretary of Homeland Security, and I implore the Committee to ensure a swift confirmation for the sake of our nation.

Sincerely,

John F. Kelly



November 1, 2017

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
328 Hart Senate Office Building
Washington, DC 20510-4905

The Honorable Claire McCaskill
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
503 Hart Senate Office Building
Washington, DC 20510-2505

Dear Chairman Johnson and Ranking Member McCaskill:

On behalf of the more than 1,600 member companies and nearly 80,000 individual members that comprise the National Defense Industrial Association (NDIA), and the 400 corporate members that comprise the Professional Services Council (PSC), we would like to express our support for the nomination of Kirstjen Nielsen to be Secretary of the Department of Homeland Security (DHS). We are pleased the President has nominated such a highly qualified candidate with such a wealth of policy and leadership experience in the Department and subject matter expertise in cybersecurity.

Ms. Nielsen's experience across the executive and legislative branches of government, in the private sector, and at the White House have provided her with the requisite understanding of challenges facing DHS from a variety of stakeholder perspectives. Her capabilities and experience will foster strong government-industry collaboration and enable her to address the significant challenges that DHS faces.

The members of our associations play crucial roles in homeland security, both as a component of our nation's critical infrastructure and as providers of goods and services supporting DHS's missions. Critically, given the emergence and evolution of cybersecurity threats and challenges over the last decade, we acknowledge Ms. Nielsen's well-known expertise in cybersecurity and consider her nomination a strong commitment from the Administration to continuing to improve the resiliency of private and federal cyber infrastructure.

For these reasons, we encourage your Committee to move expeditiously to consider and approve Ms. Nielsen's nomination and for the Senate to confirm her without delay.

Sincerely,

Herbert J. "Hawk" Carlisle
General, USAF (Ret.)
President & CEO
National Defense Industrial Association

David J. Berteau
President & CEO
Professional Services Council



November 2, 2017

The Honorable Ron Johnson
Chairman
The Honorable Claire McCaskill
Ranking Member
Homeland Security and Governmental Affairs Committee
United States Senate
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill,

I am writing on behalf of the National Fusion Center Association (NFCA) in support of the President's nomination of Ms. Kirstjen Nielsen to be Secretary of the U.S. Department of Homeland Security (DHS).

Ms. Nielsen has spent the majority of her career dealing with homeland security-related operational and policy challenges. She has demonstrated an understanding that State and local public safety agencies and personnel are a critical part of overall homeland security efforts. DHS effectiveness in protecting the homeland depends in part on active and deliberate partnerships with state and local public safety agencies to leverage unique data sets, expertise, relationships, and personnel.

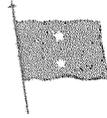
The NFCA's direct discussions with Ms. Nielsen and her prior experience at DHS give us reason to be optimistic that she understands the needs of State, Local, Tribal and Territorial Governments and as secretary will actively seek to prioritize and strengthen those partnerships.

The National Network of Fusion Centers coordinates daily alongside federal partners including DHS components to collect, review, analyze, and disseminate terror and other criminal threats. Fusion centers provide local context to national and homeland security collection needs, ensure suspicious activity reports from our communities and public safety partners are quickly analyzed and appropriately shared, and share information across the continuum of public safety and homeland security stakeholders.

We look forward to working with Ms. Nielsen and the DHS team to help protect our Homeland.

Sincerely,

Mike Sena
President, NFCA



November 1, 2017

Dear Chairman McCain,

Given your membership on the Senate Homeland Security and Governmental Affairs Committee, I wanted you to know of my strong and enthusiastic support for Kirstjen Nielsen for Secretary of the Department of Homeland Security. I have first-hand knowledge over the years of her expertise, leadership, and incredible drive and acumen.

As the former Deputy Executive Director of the United States Commission on National Security/21st Century, former Staff Director of the Senate Armed Services Committee, former Chairman of the National Defense Industrial Association, and as an avid follower of homeland security and defense issues, I can say with full confidence that Kirstjen is the right choice for this demanding and thankless role. I am especially encouraged by her strong background in cyber issues, which is an area vital to our national security and one you have continued to champion and point out our shortfalls.

She has the support of many current and former DHS secretaries and officials, members of Congress, police groups, cyber and IT experts, border patrol and immigration groups, and industry and defense groups, among others. I worked very closely with former DHS Secretary Jeh Johnson and his Chief of Staff Christian Marrone. They are strong supporters and I have full confidence they know what it takes to lead and manage DHS. Similar support from General John Kelly puts her in a special category.

As a long-term cross over member of the old Government Affairs Committee, you are well aware of all the challenges in this area. She is fully prepared to deal with all of them.

Very Respectfully,

Maj. Gen. Arnold Punaro, USMC (Ret.)
Former Staff Director, SASC

*Mr. Chairman -
She is the real deal
and a straight shooter!
Punaro*

November 7, 2017

TO: Chairman Ron Johnson or Attention Ranking Member Claire McCaskill
U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Dear Chairman Johnson and Ranking member McCaskill,

I would like to express my personal support for the nomination of Kirstjen Nielsen to be the Secretary of Homeland Security.

I have been focused on cybersecurity and infrastructure protection issues for over twenty years. I have held senior cybersecurity positions in the Department of Justice (Deputy Chief of the Computer Crime and Intellectual Property Section), the Department of Defense (Executive Director of the DoD Cyber Crime Center), and the Department of Homeland Security (Deputy Under Secretary of NPPD). In the first two positions, I was a career government employee and in the last, a political appointee in the Obama Administration. I currently work for a non-profit focused on implementing cyber security solutions.

I have an extensive international background. I served as the chair of the G8 Subgroup on High-Tech Crime. I have worked for US and non-US companies. I participated in and supervised international negotiations and discussions concerning cybersecurity matters.

I unreservedly support the nomination of Ms. Nielsen. She is an effective leader, who will be closely involved in the work of DHS. She understands cybersecurity issues, and is focused on the critical ones – particularly systemic cyber risk – as opposed to the merely urgent. Having a DHS Secretary who has worked extensively on cybersecurity and infrastructure protection prior to appointment would be a boon for the Department. And her relationships are excellent.

I urge the Senate to confirm Ms. Nielsen.

Sincerely,



Philip R. Reitinger

November 2, 2017

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles Schumer
Democratic Leader
United States Senate
Washington, DC 20510

The Honorable Ron Johnson
Chairman
Homeland Security & Governmental Affairs
United States Senate
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member
Homeland Security & Governmental Affairs
United States Senate
Washington, DC 20510

Dear Leader McConnell, Leader Schumer, Chairman Johnson and Ranking Member McCaskill:

We are pleased to write to you in support of the nomination of the Honorable Kirstjen Nielsen to be the sixth Secretary of the US Department of Homeland Security. As former leaders of DHS, we understand that the Department's responsibilities span many critical domains and agree that Ms. Nielsen brings the professional and leadership skills necessary to combat the range of contemporary threats to our homeland.

A former official at the Transportation Security Administration and Special Assistant for Homeland Security to President George W. Bush, Ms. Nielsen has been engaged in counter-terrorism, all-hazard risk mitigation, critical infrastructure protection, and response policy from the earliest days of what we now know as homeland security. Ms. Nielsen brings operational experience as well, having managed day-to-day operations of the Department as chief of staff to then-Secretary John Kelly. She is the first candidate for Secretary to have actually worked in the Department of Homeland Security prior to nomination for the agency's leadership. This means that there will be no learning curve for Ms. Nielsen and she can hit the ground running at the DHS on Day One.

Ms. Nielsen is a homeland security leader for our times. More than any previous Secretary, she understands the 21st Century challenges of the borderless cyber domain and has worked in both the public and private sectors to address this deeply interconnected and consequential risk to America's national security and economic stability. As a Senior Fellow at the George Washington University Center for Cyber and Homeland Security and as Chair for Risk and Resilience for the World Economic Forum, she has earned the respect of her peers and encouraged global collaboration on cybersecurity.

Kirstjen Nielsen offers our nation the credentials required of the Secretary of Homeland Security in today's environment: expertise in homeland security policy and operations; national and international perspective, and; public and private sector experience. We respectfully urge the Senate to expeditiously consider Ms. Nielsen's nomination for Secretary and recommend that she be confirmed for this important post.

Sincerely,

Handwritten signature of Tom Ridge in cursive script.

Tom Ridge
Secretary of Homeland Security (2003-2005)

Handwritten signature of Michael Chertoff in cursive script.

Michael Chertoff
Secretary of Homeland Security (2005-2009)



November 8, 2017

The Honorable Ron Johnson
Chairman
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill:

On behalf of the Security Industry Association (SIA) and our members, we are writing to express support for the nomination of Kirstjen Nielsen to be the Secretary of Homeland Security.

SIA is a trade association representing nearly 800 companies that develop, manufacture and integrate security solutions and employ thousands of technology leaders. We care deeply about protecting our nation and keeping Americans safe. Technology provided by our industry plays a key role in helping U.S. Department of Homeland Security fulfill its missions and in protecting our nation's critical infrastructure.

We believe Ms. Nielsen is well qualified to lead the Department, particularly given her extensive experience in DHS departmental planning, cybersecurity and critical infrastructure protection, which are vitally important as our nation faces increasing and evolving threats.

We respectfully urge the Committee on Homeland Security and Governmental Affairs and the full Senate move swiftly to confirm Ms. Nielsen as the sixth Secretary of Homeland Security.

Sincerely,

A handwritten signature in black ink that reads "Don Erickson". The signature is written in a cursive, flowing style.

Don Erickson
CEO
Security Industry Association

MICHAEL T. MCCAUL, TEXAS
CHAIRMAN

BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER



One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

October 12, 2017

Chairman Ron Johnson
Committee on Homeland Security
& Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson:

I write to express my very serious concern about President Donald J. Trump's nomination of Kirstjen Nielsen for Secretary of Homeland Security and to urge you to scrutinize her professional background and experience thoroughly during the confirmation process.

While I am pleased the President has finally named a nominee for this critical national security position, I am greatly troubled by Ms. Nielsen's record as Senior Director for Preparedness and Response at the White House Homeland Security Council during the Bush Administration's botched response to Hurricane Katrina. Given the ongoing tragedy in Puerto Rico and the U.S. Virgin Islands, along with other homeland security challenges facing our Nation, the Department of Homeland Security must have a proven, capable leader as Secretary. Unfortunately, Ms. Nielsen's record raises questions about her suitability for such a position.

Again, I urge you to ensure that the new Secretary is someone well-suited to ensuring the Department of Homeland Security carries out its vital mission on behalf of the American people. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson".

BENNIE G. THOMPSON
Ranking Member

cc: Ranking Member Claire McCaskill

November 7, 2017

The Honorable Ron Johnson
Chairman
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill:

We the undersigned write in support of the nomination of Kirstjen Nielsen to be the Secretary of Homeland Security. As a bipartisan group of women in technology and cybersecurity, we believe Ms. Nielsen's expertise in cybersecurity makes her a next-generation Cabinet nominee with the qualifications needed to lead DHS into the future.

Ms. Nielsen is an internationally recognized homeland security expert, with extensive work in the cybersecurity field. In the face of increasingly sophisticated and constantly evolving threats, a cyber expert at the helm of DHS is an invaluable asset to our national security. The future of homeland security is cyber security, and Ms. Nielsen will bring a wealth of experience to the Department. She has experience in both the public and private sectors and is well equipped to continue building public-private partnerships to advance the missions of DHS.

We admire Ms. Nielsen's work to secure critical infrastructure, an increasingly common target among our adversaries. The importance of building and maintaining resilient networks cannot be underscored enough – the nation's critical infrastructure provides essential services that are crucial to our daily lives. From the power we use to the transportation systems we rely on, a small disruption can cause huge harm. Her expertise in this area is needed now more than ever.

In addition to her cybersecurity expertise, Ms. Nielsen is deeply familiar with the other missions of DHS. As then-Secretary Kelly's chief of staff, Ms. Nielsen played a major role in departmental planning. She built close relationships with senior DHS officials and rank and file employees alike, and has a wealth of operational knowledge. If confirmed, she will be the first Department employee to rise to the rank of Secretary – a true testament to her distinguished record.

Ms. Nielsen is uniquely qualified to lead DHS at such a critical time. We respectfully urge the Committee on Homeland Security and Governmental Affairs and the full Senate move swiftly to confirm Ms. Nielsen as the sixth Secretary of Homeland Security.

Sincerely,

/s/Bobbie Kilberg
President and CEO Northern Virginia Technology Council

/s/Kirsten Bay
President and DEO
Cyber adAPT

/s/Janet Hale
Former UnderSecretary for Management
Department of Homeland Security

/s/Karen S. Evans
Former Administrator for E-Government and Information Technology
Office of Management and Budget, White House

/s/Marie O'Neill Sciarrone
Former Special Assistant to the President for Homeland Security
Senior Director for Cybersecurity and Information Sharing, White House

/s/Diana L. Burley, Ph.D.
Executive Director and Chair
Institute for Information Infrastructure Protection
The George Washington University

/s/Atti Riazi
Former Chief Information Officer
New York Housing Authority

/s/Christine Rider
Former Chief Information Officer
Small Business Administration

/s/Deirdre Murray
Principal
Deirdre Murray and Associates, LLC

/s/Arria Hines
President and CEO
Allegheny Science & Technology